

DEVELOPMENT AGREEMENT

PARTIES:

1. **City of Meridian**
2. **Smith Brighton Inc., Owner/Developer**
3. **DWT Investments LLC, Owner**
4. **SCSH Properties LLC, Owner**
5. **Brighton Apex LLC, Owner**
6. **Brighton Development Inc., Owner**
7. **SCS Investments LLC, Owner**
8. **The David & Kristin Turnbull Family Trust Dated August 1, 2006, Owner**
9. **The Tomlinson Foundation, Owner**

THIS DEVELOPMENT AGREEMENT (this “**Agreement**”) is made and entered into this ____ day of _____, 20____, by and between **City of Meridian**, a municipal corporation of the State of Idaho, hereafter called “**CITY**,” and **Smith Brighton, Inc.; DWT Investments, LLC; SCSH Properties, LLC; Brighton Apex, LLC; Brighton Development, Inc.; SCS Investments, LLC; The David & Kristin Turnbull Family Trust Dated August 1, 2006; and The Tomlinson Foundation**, hereinafter collectively called “**OWNERS/DEVELOPER**.”

1. **RECITALS:**

- 1.1 **WHEREAS**, Owners/Developer are the sole owners, in law and/or equity, of certain tracts of land in the County of Ada, State of Idaho, described in **Exhibit “A,”** which is attached hereto and by this reference incorporated herein as if set forth in full, hereinafter referred to as the “**Property**,” and
- 1.2 **WHEREAS**, Idaho Code § 67-6511A provides that cities may, by ordinance, establish provisions governing the creation, form, recording, modification, enforcement and termination of development agreements required or permitted as a condition of zoning that Owners/Developer make a written commitment concerning the use or development of the Property; and
- 1.3 **WHEREAS**, City has exercised its statutory authority by the enactment of Section 11-5B-3 of the Unified Development Code (“**UDC**”), which authorizes development agreements and the modification of development agreements; and

- 1.4 **WHEREAS**, Owners/Developer have submitted an application for development agreement modification to remove the properties listed in **Exhibit “A”** from existing Development Agreements recorded in Ada County as Instrument #2016-007071 (South Meridian – Arbor Ridge H-2015-0019), Instrument #2020-178120 (Apex H-2020-0066), and Instrument #2021-102396 (Shafer View Terrace H-2020-0117), and for the inclusion of the Properties into this new Agreement, which generally describes how the Property will be developed and what improvements will be made; and
- 1.5 **WHEREAS**, Owners/Developer made representations at the duly noticed public hearings before the Meridian City Council as to how the Property will be developed and what improvements will be made; and
- 1.6 **WHEREAS**, the record of the proceedings for requested development agreement modification held before the City Council includes responses of government subdivisions providing services within the City of Meridian planning jurisdiction and includes further testimony and comment; and
- 1.7 **WHEREAS**, on the 22nd of October, 2024, the Meridian City Council approved certain Findings of Fact and Conclusions of Law and Decision and Order (“**Findings**”), which have been incorporated into this Agreement and attached as **Exhibit “B;”** and
- 1.8 **WHEREAS**, Owners/Developer deem it to be in its best interest to be able to enter into this Agreement and acknowledge that this Agreement was entered into voluntarily and at its urging and request; and
- 1.9 **WHEREAS**, the property listed in **Exhibit “A”** shall no longer be subject to the terms of the existing Development Agreements (Instrument #2016-007071 (South Meridian – Arbor Ridge H-2015-0019), Instrument #2020-178120 (Apex H-2020-0066), and Instrument #2021-102396 (Shafer View Terrace H-2020-0117) and shall be bound by the terms contained herein in this new agreement; and
- 1.10 **WHEREAS**, City requires the Owners/Developer to enter into a development agreement modification for the purpose of ensuring the Property is developed and the subsequent use of the Property is in accordance with the terms and conditions of this Agreement, herein being established as a result of evidence received by the City in the proceedings for zoning designation from government subdivisions providing services within the planning jurisdiction and from affected property owners and to ensure zoning designations are in accordance with the amended Comprehensive Plan of the City of Meridian on December 19, 2019, Resolution No. 19-2179, and the UDC, Title 11.

NOW, THEREFORE, in consideration of the covenants and conditions set forth herein, the parties agree as follows:

2. **INCORPORATION OF RECITALS:** That the above recitals are contractual and binding and are incorporated herein as if set forth in full.

3. **DEFINITIONS:** For all purposes of this Agreement, the following words, terms and phrases herein contained in this section shall be defined and interpreted as herein provided for, unless the clear context of the presentation of the same requires otherwise:

3.1 **CITY:** means and refers to the **City of Meridian**, a party to this Agreement, which is a municipal corporation and government subdivision of the state of Idaho, organized and existing by virtue of law of the State of Idaho, whose address is 33 East Broadway Avenue, Meridian, Idaho 83642.

3.2 **OWNERS/DEVELOPER:** means and refers to collectively:

3.2.1 **Smith Brighton, Inc.**, whose address is 2929 W. Navigator Drive, Suite 400, Meridian, Idaho 83642, owner and developer of said Property and shall include any subsequent owner(s)/developer(s) of the Property; and

3.2.2 **DWT Investments, LLC**, whose address is 2929 W. Navigator Drive, Suite 400, Meridian, Idaho 83642, owner of said Property and shall include any subsequent owner(s) of the Property; and

3.2.3 **SCSH Properties, LLC**, whose address is 3240 W. Bavaria Drive, Eagle, Idaho 83616, owner of said Property and shall include any subsequent owner(s) of the Property; and

3.2.4 **Brighton Apex, LLC**, whose address is 2929 W. Navigator Drive, Suite 400, Meridian, Idaho 83642, owner of said Property and shall include any subsequent owner(s) of the Property; and

3.2.5 **Brighton Development, Inc.**, whose address is 2929 W. Navigator Drive, Suite 400, Meridian, Idaho 83642, owner of said Property and shall include any subsequent owner(s) of the Property; and

3.2.6 **SCS Investments, LLC**, whose address is 3240 W. Bavaria Drive, Eagle, Idaho 83616, owner of said Property and shall include any subsequent owner(s) of the Property; and

3.2.7 **The David & Kristin Turnbull Family Trust Dated August 1, 2006**, whose address is 2929 W. Navigator Drive, Suite 400, Meridian, Idaho 83642, owner of said Property and shall include any subsequent owner(s) of the Property; and

3.2.8 **The Tomlinson Foundation**, whose address is c/o Eisner Advisory Group LLC, 4225 Executive Square, Suite 1150, La Jolla, California 92037, owner of said Property and shall include any subsequent owner(s) of the Property.

- 3.3 **PROPERTY:** means and refers to that certain parcel of Property located in the County of Ada, City of Meridian as described in **Exhibit “A”** describing parcels of land to be removed from existing Development Agreements recorded in Ada County as Instrument #2016-007071 (South Meridian – Arbor Ridge H-2015-0019), Instrument #2020-178120 (Apex H-2020-0066), and Instrument #2021-102396 (Shafer View Terrace H-2020-0117), with such parcels being bound by this new Agreement, which **Exhibit “A”** is attached hereto and by this reference incorporated herein as if set forth at length.

4. **USES PERMITTED BY THIS AGREEMENT:** This Agreement shall vest the right to develop the Property in accordance with the terms and conditions of this Agreement.

- 4.1 The uses allowed pursuant to this Agreement are only those uses allowed as permitted, conditional and/or accessory uses under the UDC.
- 4.2 No change in the uses specified in this Agreement shall be allowed without modification of this Agreement.

5. **CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:**

- 5.1 Owners/Developer shall develop the Property in accordance with the following special conditions:
- a. Future development of the subject property shall be generally consistent with the conceptual development plan, preliminary plat, landscape plan, open space and site amenity exhibit included in Section VII of the Staff Report attached to the Findings of Fact and Conclusions of Law attached hereto as Exhibit “B,” and the conditions contained herein and the standards in the Unified Development Code (UDC).
 - b. The subject property shall be subdivided prior to submittal of any building permit applications for the residential portion of the development and prior to issuance of any Certificates of Occupancies within the commercial portion of the development.
 - c. A 10-foot-wide multiuse pathway shall be constructed within the Williams Northwest gas pipeline easement in accord with the Pathways Master Plan.
 - d. Future development shall comply with the Williams Pipeline Developer’s Handbook.
 - e. The rear and/or sides of two-story homes facing S. Locust Grove Rd. and the collector streets (i.e., E. Crescendo St., S. Sublimity Ave., E. Quartz Creek St., Apex Way, and Elevated Way) shall incorporate articulation through changes in two or more of the following: modulation (e.g., projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are

visible from the subject public streets. Single-story homes are exempt from this requirement.

- f. The uses allowed in the C-C zoning district shall be restricted to only those uses listed in UDC Table 11-2B-2, “Allowed Uses in the Commercial Districts,” as allowed uses in the C-N zoning district. The purpose of such is to allow extended business hours of operation beyond those allowed in the C-N district, while not allowing certain uses in the C-C district that may not be compatible with abutting residential uses without a buffer to residential uses on the commercial property as approved by City Council.
- g. A 25-foot-wide buffer to residential uses shall not be required to be provided with the development of the C-C zoned lots in Block 23; in lieu of the buffer, a minimum 17-foot-wide common area mew lot shall be provided along the east side of the R-15 zoned property in Block 23 (the length of abutting parking spaces on the commercial property may be reduced from 19 to 17 feet), as approved by City Council at the request of the Applicant. A reduction to the buffer width shall not affect building setbacks; all commercial structures shall be set back from the property line a minimum of the buffer width (i.e., 25 feet) required in the zoning district.

6. **APPROVAL PERIOD:** If this Agreement has not been fully executed within six (6) months after the date of the Findings, the City may, at its sole discretion, declare the Agreement null and void.

7. **DEFAULT/CONSENT TO DE-ANNEXATION AND REVERSAL OF ZONING DESIGNATION:**

- 7.1 **Acts of Default.** In the event Owners/Developer, or Owner’s/ Developer’s heirs, successors, assigns, or subsequent owners of the Property or any other person acquiring an interest in the Property fail to faithfully comply with all of the terms and conditions included in this Agreement in connection with the Property, this Agreement may be terminated by the City upon compliance with the requirements of the Zoning Ordinance.
- 7.2 **Notice and Cure Period.** In the event of Owner’s/Developer’s default of this agreement, Owners/Developer shall have thirty (30) days from receipt of written notice from City to initiate commencement of action to correct the breach and cure the default, which actions must be prosecuted with diligence and completed within one hundred eighty (180) days; provided, however, that in the case of any such default that cannot with diligence be cured within such one hundred eighty (180) day period, then the time allowed to cure such failure may be extended for such period as may be necessary to complete the curing of the same with diligence and continuity.
- 7.3 **Remedies.** In the event of default by Owners/Developer that is not cured after notice from City as described in Section 7.2, City shall, upon satisfaction of the notice and hearing procedures set forth in Idaho Code § 67-6511A, have the right, but not a duty, to de-annex all or a portion of the Property, reverse the zoning designations described herein, and terminate City services to the de-annexed Property, including water service

and/or sewer service. Further, City shall have the right to file an action at law or in equity to enforce the provisions of this Agreement. Because the covenants, agreements, conditions, and obligations contained herein are unique to the Property and integral to the City's decision to annex and/or rezone the Property, City and Owners/Developer stipulate that specific performance is an appropriate, but not exclusive, remedy in the event of default. Owners/Developer reserve all rights to contest whether a default has occurred.

- 7.4 **Choice of Law and Venue.** This Agreement and the rights of the parties hereto shall be governed by and construed in accordance with the laws of the State of Idaho, including all matters of construction, validity, performance, and enforcement. Any action brought by any party hereto shall be brought within Ada County, Idaho.
- 7.5 **Delay.** In the event the performance of any covenant to be performed hereunder by either Owners/Developer or City is delayed for causes that are beyond the reasonable control of the party responsible for such performance, which shall include, without limitation, acts of civil disobedience, strikes or similar causes, the time for such performance shall be extended by the amount of time of such delay.
- 7.6 **Waiver.** A waiver by City of any default by Owners/Developer of any one or more of the covenants or conditions hereof shall apply solely to the default and defaults waived and shall neither bar any other rights or remedies of City nor apply to any subsequent default of any such or other covenants and conditions.

8. **INSPECTION:** Owners/Developer shall, immediately upon completion of any portion or the entirety of said development of the Property as required by this Agreement or by City ordinance or policy, notify the City Engineer and request the City Engineer's inspections and written ordinance or policy, notify the City Engineer and request the City Engineer's inspections and written approval of such completed improvements or portion therefor in accordance with the terms and conditions of this Agreement and all other ordinance of the City that apply to said Property.

9. **REQUIREMENT FOR RECORDATION:** City shall record this Agreement, including all of the Exhibits, and submit proof of such recording to Owners/Developer.

10. **ZONING:** City shall, following recordation of the duly approved Agreement, enact a valid and binding ordinance rezoning the Property as specified herein.

11. **SURETY OF PERFORMANCE:** The City may also require surety bonds, irrevocable letters of credit, cash deposits, certified check or negotiable bonds, as allowed under the UDC, to insure the installation of required improvements, which the Owners/Developer agree to provide, if required by the City.

12. **CERTIFICATE OF OCCUPANCY:** No Certificates of Occupancy shall be issued if the improvements have not been installed, completed, and accepted by the City, or sufficient surety of performance is provided by Owners/Developer to the City in accordance with Paragraph 11 above.

13. **ABIDE BY ALL CITY ORDINANCES:** That Owners/Developer agree to abide by all ordinances of the City of Meridian unless otherwise provided by this Agreement.

14. **NOTICES:** Any notice desired by the parties and/or required by this Agreement shall be deemed delivered if and when personally delivered or three (3) days after deposit in the United States Mail, registered or certified mail, postage prepaid, return receipt requested, addressed as follows:

CITY:

City Clerk
City of Meridian
33 E. Broadway Ave.
Meridian, Idaho 83642

with copy to:
City Attorney
City of Meridian
33 E. Broadway Ave.
Meridian, Idaho 83642

OWNERS/DEVELOPER:

Smith Brighton, Inc.

2929 W. Navigator Dr. Ste. 400
Meridian, Idaho 83642

DWT Investments, LLC

2929 W. Navigator Dr. Ste. 400
Meridian, Idaho 83642

SCSH Properties, LLC

3240 W. Bavaria Drive
Eagle, Idaho 83616

Brighton Apex, LLC

2929 W. Navigator Dr. Ste. 400
Meridian, Idaho 83642

Brighton Development, Inc.

2929 W. Navigator Dr. Ste. 400
Meridian, Idaho 83642

SCS Investments, LLC

3240 W. Bavaria Drive
Eagle, Idaho 83616

The David & Kristin Turnbull Family Trust Dated August 1, 2006

2929 W. Navigator Dr. Ste. 400
Meridian, Idaho 83642

The Tomlinson Foundation

c/o Eisner Advisory Group LLC, 4225 Executive Square, Suite 1150
La Jolla, California 92037

14.1 A party shall have the right to change its address by delivering to the other party a written notification thereof in accordance with the requirements of this section.

15. **ATTORNEY FEES:** Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorney's fees as determined by a Court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination or forfeiture of this Agreement.

16. **TIME IS OF THE ESSENCE:** The parties hereto acknowledge and agree that time is strictly of the essence with respect to each and every term, condition and provision hereof, and that the failure to timely perform any of the obligations hereunder shall constitute a breach of and a default under this Agreement by the other party so failing to perform.

17. **BINDING UPON SUCCESSORS:** This Agreement shall be binding upon and inure to the benefit of the parties' respective heirs, successors, assigns and personal representatives, including City's corporate authorities and their successors in office. This Agreement shall be binding on the Owners/Developer, each subsequent owner and any other person acquiring an interest in the Property. Nothing herein shall in any way prevent sale or alienation of the Property, or portions thereof, except that any sale or alienation shall be subject to the provisions hereof and any successor owner or owners shall be both benefited and bound by the conditions and restrictions herein expressed. City agrees, upon written request of Owners/Developer, to execute appropriate and recordable evidence of termination of

this Agreement if City, in its sole and reasonable discretion, has determined that Owners/Developer have fully performed its obligations under this Agreement.

18. **INVALID PROVISION:** If any provision of this Agreement is held not valid by a court of competent jurisdiction, such provision shall be deemed to be excised from this Agreement and the invalidity thereof shall not affect any of the other provisions contained herein.

19. **DUTY TO ACT REASONABLY:** Unless otherwise expressly provided, each party shall act reasonable in giving any consent, approval, or taking any other action under this Agreement.

20. **COOPERATION OF THE PARTIES:** In the event of any legal or equitable action or other proceeding instituted by any third party (including a governmental entity or official) challenging the validity of any provision in this Agreement, the parties agree to cooperate in defending such action or proceeding.

21. **REMOVED PROPERTY:** The City is hereby authorized, in its sole discretion, to remove a portion of the Property ("Removed Property") from this Agreement at any time, provided that the City and the owner of the Removed Property concurrently enter into a modified development agreement governing the development and use of the Removed Property. The remaining portion of the Property, which has not been removed from this Agreement as described above, shall continue to be bound by the terms of this Agreement.

22. **FINAL AGREEMENT:** This Agreement sets forth all promises, inducements, agreements, condition and understandings between Owners/Developer and City relative to the subject matter hereof, and there are no promises, agreements, conditions or understanding, either oral or written, express or implied, between Owners/Developer and City, other than as are stated herein. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties hereto unless reduced to writing and signed by them or their successors in interest or their assigns, and pursuant, with respect to City, to a duly adopted ordinance or resolution of City.

22.1 No condition governing the uses and/or conditions governing the Property herein provided for can be modified or amended without the approval of the City Council after the City has conducted public hearing(s) in accordance with the notice provisions provided for a zoning designation and/or amendment in force at the time of the proposed amendment.

23. **EFFECTIVE DATE OF AGREEMENT:** This Agreement shall be effective upon execution of the Mayor and City Clerk.

[End of text. Acknowledgements, signatures, and Exhibits A and B follow.]

ACKNOWLEDGMENTS

IN WITNESS WHEREOF, the parties have herein executed this agreement and made it effective as hereinabove provided.

OWNER/DEVELOPER:

Smith Brighton, Inc.

[Signature]
By: Robert L. Phillips.
Its: President

STATE OF IDAHO)
 : ss:
County of Ada)

On this 13 day of November, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert L. Phillips, known or identified to me to be the President of **Smith Brighton, Inc.** and the person who signed above and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]
Notary Public
My Commission Expires: 6-1-2024

OWNER:

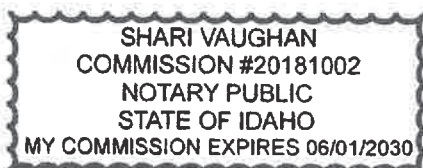
DWT Investments, LLC

[Signature]
By: Robert L. Phillips, President of Brighton Corporation, Manager of
Its: DWT Investments LLC

STATE OF IDAHO)
 : ss:
County of Ada)

On this 13 day of November, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert L. Phillips, known or identified to me to be the Manager of **DWT Investments, LLC** and the person who signed above and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]
Notary Public
My Commission Expires: 6-1-2030

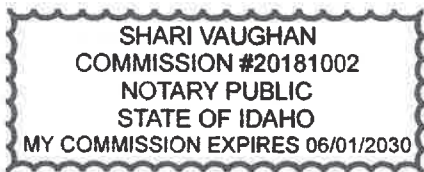
OWNER:
SCSH Properties LLC

Michael A. Hall
By: Michael A. Hall, President of SCS Management LLC, Manager of
Its: SCSH Properties, LLC

STATE OF IDAHO)
 : ss:
County of Ada)

On this 14 day of November, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Michael A. Hall, known or identified to me to be the Manager of **SCSH Properties, LLC** and the person who signed above and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Shari Vaughan
Notary Public
My Commission Expires: 6-1-2030

OWNER:
Brighton Apex, LLC

Robert L. Phillips
By: Robert L. Phillips
Its: Manager

STATE OF IDAHO)
 : ss:
County of Ada)

On this 13 day of November, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert L. Phillips, known or identified to me to be the Manager of **Brighton Apex, LLC** and the person who signed above and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Shari Vaughan
Notary Public
My Commission Expires: 6-1-2030

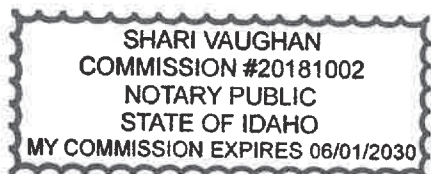
OWNER:
Brighton Development, Inc.

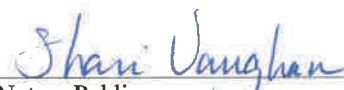

By: Jonathan D. Wardle
Its: President

STATE OF IDAHO)
 : ss:
County of Ada)

On this 13th day of November, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Jonathan D. Wardle, known or identified to me to be the President of **Brighton Development, Inc.** and the person who signed above and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public
My Commission Expires: 6-1-2030

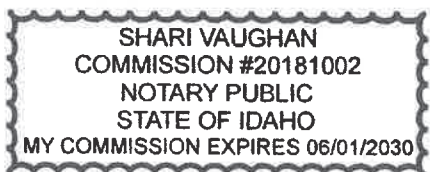
OWNER:
SCS Investments, LLC


By: Michael A. Hall
Its: President

STATE OF IDAHO)
 : ss:
County of Ada)

On this 14 day of November, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Michael A. Hall, known or identified to me to be the President of **SCS Investments, LLC** and the person who signed above and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public
My Commission Expires: 6-1-2030

OWNER:

The David & Kristin Turnbull Family Trust Dated August 1, 2006



By: David W. Turnbull

Its: Trustee

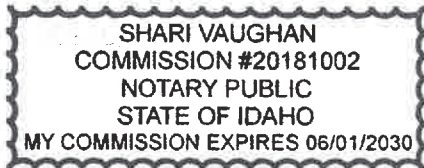
STATE OF IDAHO)

: ss:

County of Ada)

On this 18 day of November, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared David W. Turnbull, known or identified to me to be the Trustee of **The David & Kristin Turnbull Family Trust Dated August 1, 2006** and the person who signed above and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public
My Commission Expires: 6-1-2030

OWNER:

The Tomlinson Foundation



By:

Its:

~~STATE OF _____)~~

~~: ss:~~

~~County of _____)~~

~~On this ____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, known or identified to me to be the _____ of **The Tomlinson Foundation** and the person who signed above and acknowledged to me that they executed the same.~~

~~IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.~~

~~Notary Public
My Commission Expires: _____~~

CITY OF MERIDIAN

ATTEST:

By: _____
Mayor Robert E. Simison

Chris Johnson, City Clerk

STATE OF IDAHO)
 : ss
County of Ada)

On this ____ day of _____, 20____, before me, a Notary Public, personally appeared **Robert E. Simison** and **Chris Johnson**, known or identified to me to be the Mayor and Clerk, respectively, of the **City of Meridian**, who executed the instrument or the person that executed the instrument of behalf of said City, and acknowledged to me that such City executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

Notary Public for Idaho
My Commission Expires: _____

CALIFORNIA NOTARY ACKNOWLEDGEMENT (INDIVIDUAL)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

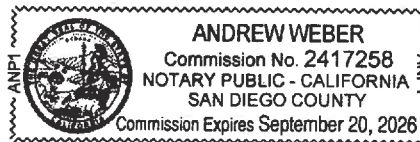
State of California

County of San Diego

On November 11, 2024 before me, Andrew Weber, Notary Public (insert name and title of the officer), personally appeared Mark Lindsay, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

[Handwritten Signature]

(Seal)

June 24, 2024
Apex Subdivision
Project No. 21-248

Exhibit A
Legal Description for
Development Agreement Modification (Apex Farr Subdivision)

A parcel of land situated in a portion of Section 31, Township 3 North, Range 1 East, B.M., City of Meridian, Ada County, Idaho, and being more particularly described as follows:

Commencing at an aluminum cap marking the southeast corner of said Section 31, which bears S00°32'22"E a distance of 2,700.07 feet from a brass cap marking the east 1/4 corner of said Section 31, thence following the easterly line of the Southeast 1/4 of Section 31, N00°32'22"W a distance of 693.57 feet;

Thence leaving said easterly line, N89°42'21"W a distance of 67.25 feet to a 5/8-inch rebar on the subdivision boundary of Apex Northwest Subdivision No. 1 (Book 124, Pages 19693-19698, records of Ada County, Idaho) and being the **POINT OF BEGINNING**.

Thence following the subdivision boundary of said Apex Northwest Subdivision No.1 the following three (3) courses:

1. N89°42'21"W a distance of 563.32 feet to a 5/8-inch rebar;
2. N39°31'00"W a distance of 11.71 feet to a 5/8-inch rebar;
3. N89°43'08"W a distance of 1.50 feet to a 5/8-inch rebar on the subdivision boundary of Apex Northwest Subdivision No. 2 (Book 124, Pages 19844- 19847, records of Ada County, Idaho);

Thence leaving said subdivision boundary of Apex Northwest Subdivision No. 1 and following said subdivision boundary of Apex Northwest Subdivision No. 2 the following seven (7) courses:

1. N00°16'52"E a distance of 528.00 feet to a 5/8-inch rebar;
2. 14.14 feet along the arc of a circular curve to the right, said curve having a radius of 9.00 feet, a delta angle of 90°00'47", a chord bearing of N45°17'16"E and a chord distance of 12.73 feet to a 5/8-inch rebar;
3. S89°42'21"E a distance of 146.58 feet to a 5/8-inch rebar;
4. N00°17'39"E a distance of 87.50 feet to a 5/8-inch rebar;
5. N89°42'21"W a distance of 130.00 feet to a 5/8-inch rebar;
6. S70°21'17"W a distance of 24.92 feet to a 5/8-inch rebar;
7. N89°42'21"W a distance of 47.64 feet;

Thence leaving said subdivision boundary of Apex Northwest Subdivision No. 2, N47°56'33"W a distance of 251.11 feet;

Thence N48°54'58"W a distance of 47.18 feet;

Thence N47°51'19"W a distance of 1,638.44 feet;

Thence S42°08'41"W a distance of 461.91 feet;

Thence 50.41 feet along the arc of a circular curve to the right, said curve having a radius of 60.00 feet, a delta angle of 48°08'12", a chord bearing of S66°12'47"W and a chord distance of 48.94 feet;

Thence N89°43'08"W a distance of 40.82 feet;

Thence N44°07'12"W a distance of 21.37 feet;

Thence 198.52 feet along the arc of a circular curve to the left, said curve having a radius of 311.50 feet, a delta angle of 36°30'56", a chord bearing of N22°16'05"W and a chord distance of 195.18 feet;

Thence N40°31'33"W a distance of 241.33 feet;

Thence 226.01 feet along the arc of a circular curve to the left, said curve having a radius of 261.50 feet, a delta angle of $49^{\circ}31'13''$, a chord bearing of $N65^{\circ}17'09''W$ and a chord distance of 219.04 feet;

Thence $S89^{\circ}57'15''W$ a distance of 450.61 feet;

Thence $S00^{\circ}02'45''E$ a distance of 31.50 feet to the southerly line of the Southeast 1/4 of the Northwest 1/4 of Section 13;

Thence following said southerly line, $S89^{\circ}57'15''W$ a distance of 529.87 feet to a 5/8-inch rebar marking Center-West 1/16 corner of said Section 31 (also being the southeast corner of Prevail Subdivision No. 1, Book 120, Pages 18715-18719, records of Ada County, Idaho);

Thence leaving said southerly line and following the westerly line of said Southeast 1/4 of the Northwest 1/4, $N00^{\circ}31'11''E$ a distance of 1,326.96 feet to a 5/8-inch rebar marking the Northwest 1/16 corner of said Section 31 (also being the northeast corner of Prevail Subdivision No. 2, Book 121, Pages 19054-19057, records of Ada County, Idaho and being the southeast corner of Prevail Subdivision No. 3, Book 126, Pages 20182-20184, records of Ada County, Idaho);

Thence leaving said westerly line of the Southeast 1/4 of the Northwest 1/4 and following the westerly line of the Northeast 1/4 of the Northwest 1/4 of said Section 31, $N00^{\circ}20'36''E$ a distance of 206.98 feet to the northeast corner of said Prevail Subdivision No. 3;

Thence following said westerly line, $N00^{\circ}20'36''E$ a distance of 24.96 feet;

Thence leaving said westerly line, $N81^{\circ}55'55''E$ a distance of 531.16 feet to a 5/8-inch rebar;

Thence $S25^{\circ}53'19''W$ a distance of 7.65 feet to a 5/8-inch rebar;

Thence $S82^{\circ}35'12''W$ a distance of 8.19 feet to a 5/8-inch rebar on the northeasterly bank of the Farr Lateral;

Thence following said northeasterly bank the following five (5) courses:

1. 48.99 feet along the arc of a curve to the left, said curve having a radius of 58.00 feet, a delta angle of $48^{\circ}23'56''$, a chord bearing of $S22^{\circ}46'16''E$ and a chord distance of 47.55 feet to a 5/8-inch rebar;
2. $S46^{\circ}58'07''E$ a distance of 45.40 feet to a 5/8-inch rebar;
3. $S54^{\circ}23'34''E$ a distance of 180.18 feet to a 5/8-inch rebar;
4. 161.54 feet along the arc of a curve to the left, said curve having a radius of 588.00 feet, a delta angle of $15^{\circ}44'26''$, a chord bearing of $S62^{\circ}15'47''E$ and a chord distance of 161.03 feet to a 5/8-inch rebar;
5. Thence $S70^{\circ}14'40''E$ a distance of 112.44 feet to a 5/8-inch rebar on the northerly line of said Southeast 1/4 of the Northwest 1/4 of Section 31;

Thence leaving said northeasterly bank and said northerly line, $S19^{\circ}57'31''W$ a distance of 12.12 feet to the centerline of said Farr Lateral;

Thence following said centerline the following three (3) courses:

1. $S70^{\circ}07'29''E$ a distance of 9.75 feet;
2. $S62^{\circ}02'58''E$ a distance of 207.13 feet;
3. $S65^{\circ}37'43''E$ a distance of 186.17 feet to the easterly line of said Southeast 1/4 of the Northwest 1/4;

Thence leaving said centerline and following said easterly line, $S00^{\circ}38'17''W$ a distance of 30.20 feet to a point on a line being parallel to and 25-ft southwesterly of the centerline of said Farr Lateral;

Thence following said line the following fourteen (14) courses:

1. $S63^{\circ}55'51''E$ a distance of 137.97 feet;
2. $S67^{\circ}14'14''E$ a distance of 113.95 feet to a 1/2-inch rebar;
3. $S72^{\circ}17'39''E$ a distance of 87.22 feet to a 1/2-inch rebar;
4. $S78^{\circ}53'58''E$ a distance of 439.81 feet to a 1/2-inch rebar;
5. $S75^{\circ}55'10''E$ a distance of 99.84 feet;

6. S61°21'11"E a distance of 24.44 feet;
7. S46°09'47"E a distance of 188.67 feet;
8. S55°48'16"E a distance of 45.29 feet to a 1/2-inch rebar;
9. S62°37'05"E a distance of 331.41 feet to a 1/2-inch rebar;
10. S49°07'00"E a distance of 149.42 feet to a 1/2-inch rebar;
11. S47°33'25"E a distance of 228.36 feet;
12. S54°34'10"E a distance of 104.95 feet;
13. S59°52'47"E a distance of 94.86 feet;
14. S65°32'37"E a distance of 460.70 feet to a point on the northerly line of the Southeast 1/4 of said Section 31;

Thence leaving said line and following said northerly line, N89°57'56"E a distance of 390.76 feet to a brass cap marking the east 1/4 corner of said Section 31;

Thence leaving said northerly line and following the easterly line of said Southeast 1/4, S00°32'22"E a distance of 1,372.93 feet;

Thence leaving said easterly line, N89°42'21"W a distance of 63.22 feet to a point on the westerly right-of-way line of S. Locust Grove Rd.;

Thence following said westerly right-of-way line the following nine (9) courses:

1. S00°17'39"W a distance of 87.50 feet;
2. S89°42'21"E a distance of 18.14 feet;
3. S21°07'21"E a distance of 18.06 feet;
4. S00°32'22"E a distance of 317.11 feet;
5. S06°45'44"W a distance of 94.42 feet;
6. S00°32'22"E a distance of 91.20 feet;
7. S24°46'04"W a distance of 28.13 feet;
8. N89°42'21"W a distance of 3.19 feet;
1. S00°17'39"W a distance of 1.50 feet to the **POINT OF BEGINNING**.

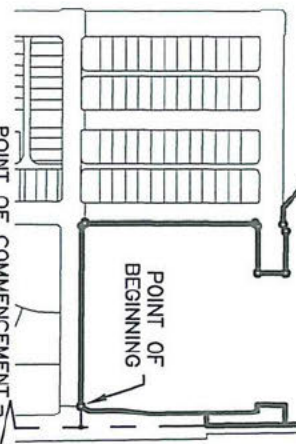
Said description contains a total of 131.89 acres, more or less.

Attached hereto is Exhibit B and by this reference is made a part hereof.



P:\21-248\CAD\SURVEY\EXHIBITS\21-248 DA MODIFICATION (APEX FARR).DWG, AARON BALLARD, 6/24/2024, ESTUDIO907.PC3, ----

E. Lake Hazel Rd. T.3N., R.1E. 31 32
POINT OF COMMENCEMENT
T.2N., R.1E. 6 5



S. Locust Grove Rd.

See Sheet 2

FOUND 5/8" REBAR
CENTER 1/4 CORNER
SECTION 31

See Sheet 3

FOUND 5/8" REBAR
NW 1/16 CORNER
SECTION 31

FOUND BRASS CAP
E 1/4 CORNER
SECTION 31



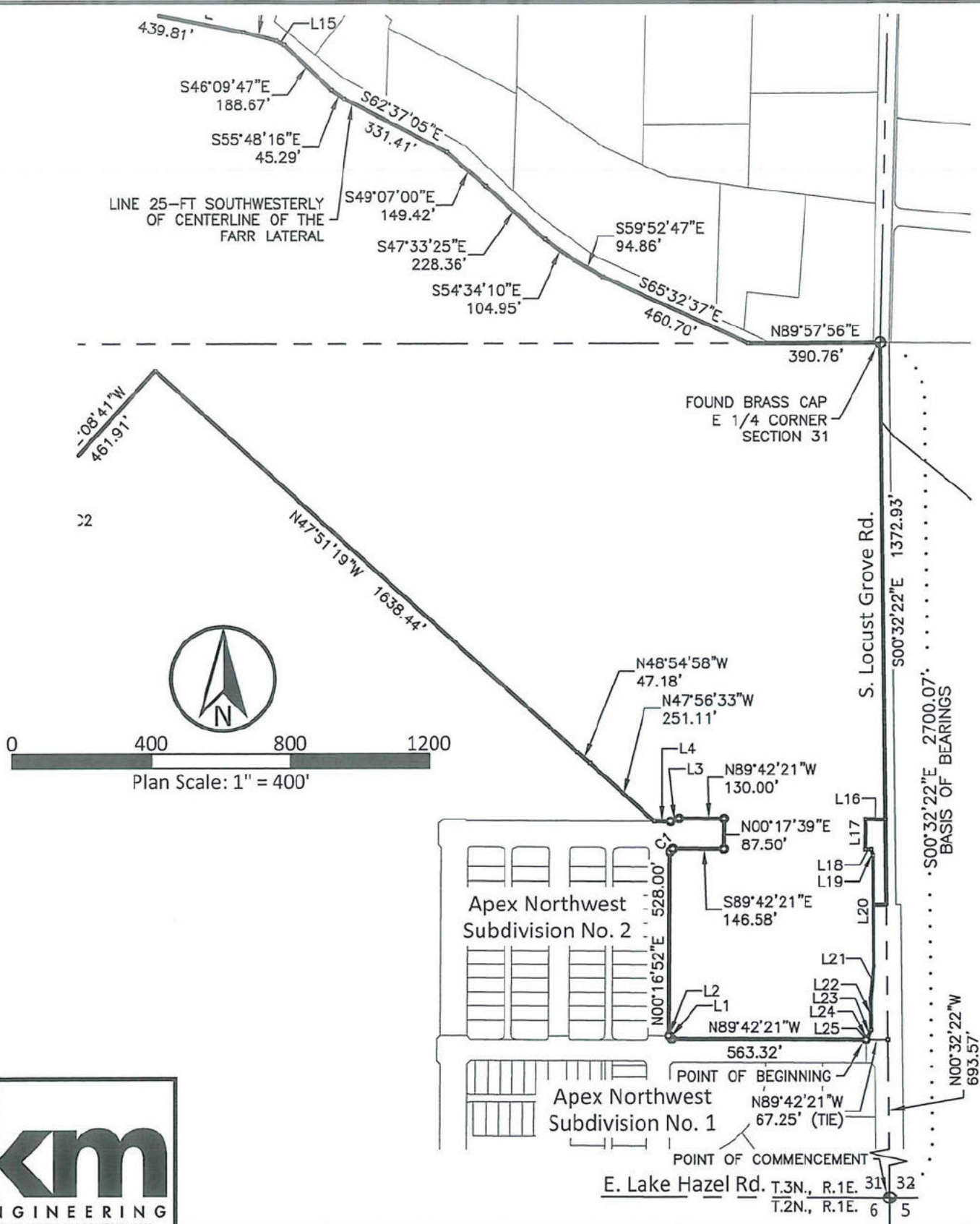
km
ENGINEERING
5725 NORTH DISCOVERY WAY
BOISE, IDAHO 83713
PHONE (208) 639-6939
kmengllp.com

DATE:	June 2024
PROJECT:	21-248
SHEET:	1 OF 4

Exhibit ■ - Apex Farr Subdivision
DA Modification

Situated in a portion of Section 31, T.3N., R.1E., .BM.,
City of Meridian, Ada County, ID

P:\21-248\CAD\SURVEY\EXHIBITS\21-248 DA MODIFICATION (APEX FARR).DWG, AARON BALLARD, 6/24/2024, ESTUDIO907.PC3, ----



km
ENGINEERING
5725 NORTH DISCOVERY WAY
BOISE, IDAHO 83713
PHONE (208) 639-6939
kmengllp.com

DATE: June 2024

PROJECT: 21-248

SHEET:
2 OF 4

Exhibit ■ - Apex Farr Subdivision
DA Modification

Situated in a portion of Section 31, T.3N., R.1E., B.M.,
City of Meridian, Ada County, ID

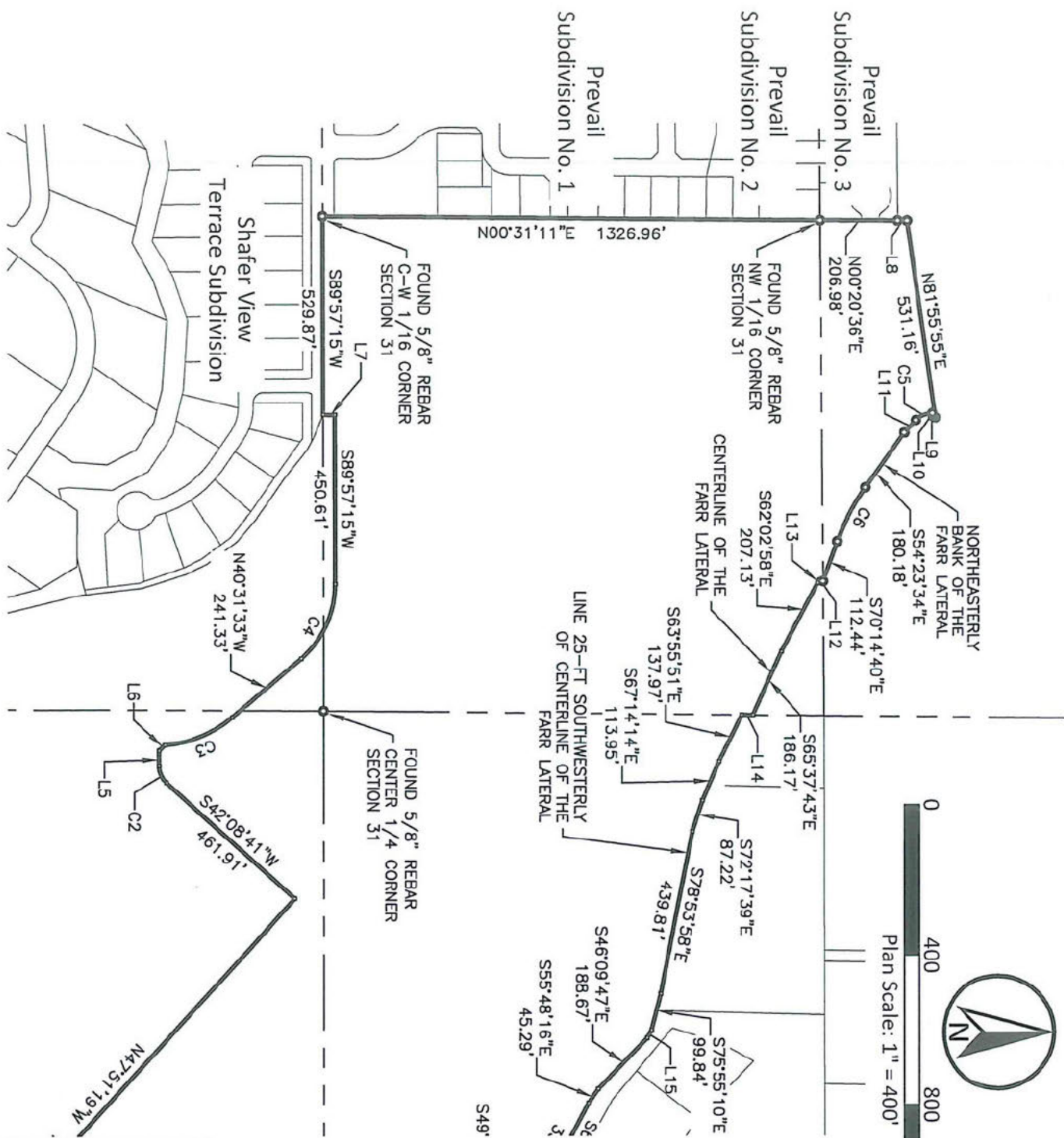


Exhibit - Apex Farr Subdivision
DA Modification

Situated in a portion of Section 31, T.3N., R.1E., .BM.,
City of Meridian, Ada County, ID



DATE:	June 2024
PROJECT:	21-248
SHEET:	3 OF 4

....:CAD\\SURVEY\\EXHIBITS\\21-248 DA MODIFICATION\\APEX FARR\\DWG, AARON BALLARD, 9/24/2024, ESTUDIO907.PC3, P:121



9233 WEST STATE STREET | BOISE, ID 83714 | 208.639.6939 | FAX 208.639.6930

October 15, 2024
Project No. 21-248

Exhibit A
Legal Description for
Rezone to C-C
Apex Subdivision

A parcel of land situated in a portion of the Southeast 1/4 of the Southeast 1/4 of Section 31, Township 3 North, Range 1 East, B.M., City of Meridian, Ada County, Idaho and being more particularly described as follows:

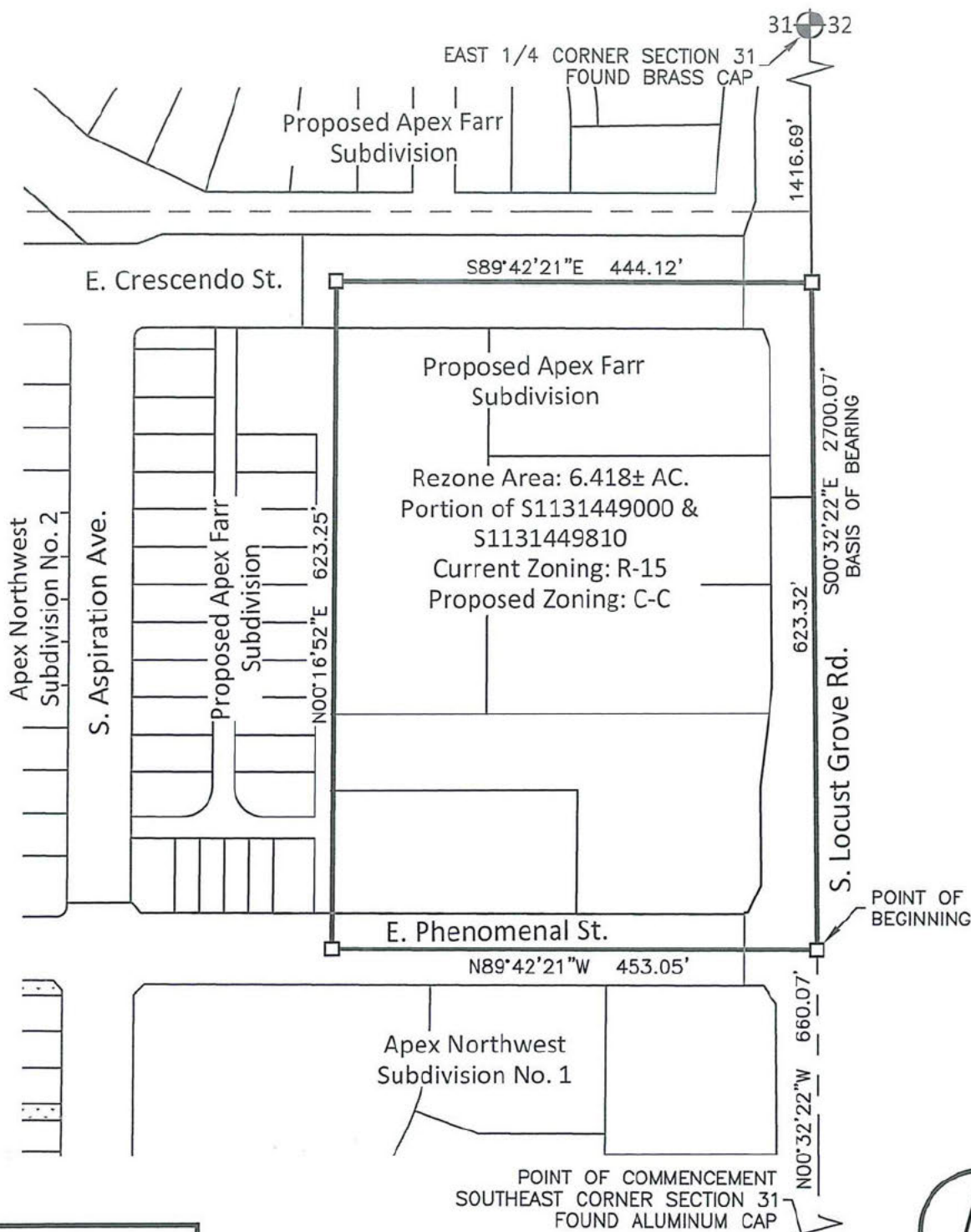
Commencing at an aluminum cap marking the southeast corner of said Section 31, which bears $S00^{\circ}32'22''E$ a distance of 2,700.07 feet from a brass cap marking the east 1/4 corner of said Section 31, thence following the easterly line of the Southeast 1/4 of Section 31, $N00^{\circ}32'22''W$ a distance of 660.07 feet to the **POINT OF BEGINNING**.

Thence leaving said easterly line, $N89^{\circ}42'21''W$ a distance of 453.05 feet;
Thence $N00^{\circ}16'52''E$ a distance of 623.25 feet;
Thence $S89^{\circ}42'21''E$ a distance of 444.12 feet to said easterly line of the Southeast 1/4;
Thence following said easterly line, $S00^{\circ}32'22''E$ a distance of 623.32 feet to the **POINT OF BEGINNING**.

Said parcel contains a total of 6.418 acres, more or less.

Attached hereto is Exhibit B and by this reference is hereby made a part of.





0 150 300 450

Plan Scale: 1" = 150'

km
ENGINEERING
5725 NORTH DISCOVERY WAY
BOISE, IDAHO 83713
PHONE (208) 639-6939
kmenglp.com

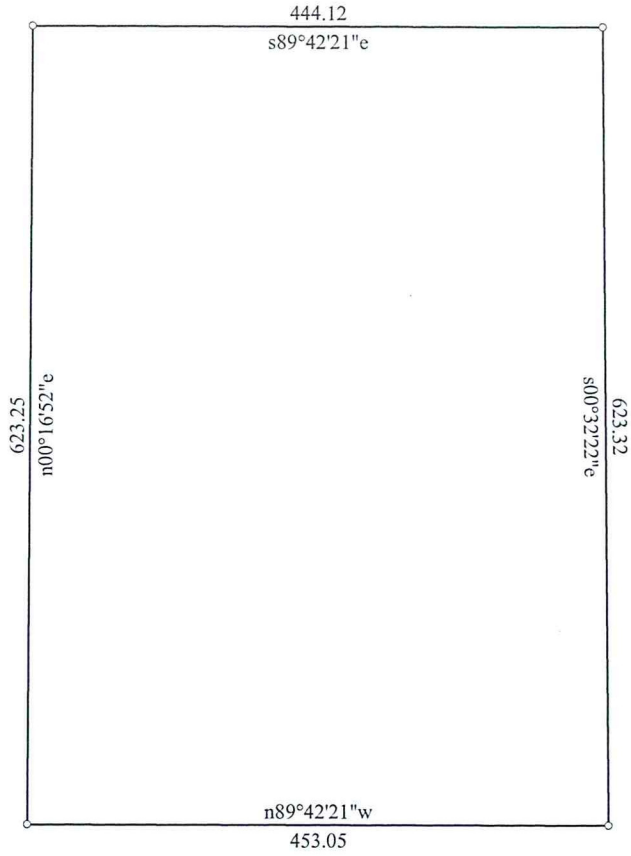
DATE: October 1 2024

PROJECT: 21-248

SHEET:
1 OF 1

Exhibit Rezone to C-C
Apex Farr Subdivision

A portion of the SE 1/4 of the SE 1/4 of Section 31,
T3N, R1E, BM, City of Meridian, Ada County, Idaho



Title: Rezone to C-C		Date: 10-15-2024
Scale: 1 inch = 150 feet	File:	
Tract 1: 6.418 Acres: 279581 Sq Feet: Closure = n41.0535e 0.01 Feet: Precision =1/401207: Perimeter = 2144 Feet		
001=n89.4221w 453.05	003=s89.4221e 444.12	
002=n00.1652e 623.25	004=s00.3222e 623.32	



9233 WEST STATE STREET | BOISE, ID 83714 | 208.639.6939 | FAX 208.639.6930

April 30, 2024
Project No. 21-248

Exhibit A
Legal Description for
Rezone to R-8
Apex Farr Subdivision

A parcel of land being a portion of Lot 1, Block 5 of Shafer View Terrace Subdivision (Book 128, Pages 20722-20730, records of Ada County, Idaho) and further situated in the Northeast 1/4 of the Southwest 1/4 of Section 31, Township 3 North, Range 1 East, B.M., City of Meridian, Ada County, Idaho and being more particularly described as follows:

BEGINNING at a 5/8-inch rebar marking the Center 1/4 corner of said Section 31, which bears N89°57'15"E a distance of 2,507.62 feet from an aluminum cap marking the West 1/4 corner of said Section 31, thence following the easterly line of said Southwest 1/4, S00°17'55"W a distance of 270.83 feet;

Thence leaving said easterly line, 8.54 feet along the arc of a circular curve to the left, said curve having a radius of 280.00 feet, a delta angle of 01°44'51", a chord bearing of N39°39'07"W and a chord distance of 8.54 feet;

Thence N40°31'33"W a distance of 241.33 feet;

Thence 198.79 feet along the arc of a circular curve to the left, said curve having a radius of 230.00 feet, a delta angle of 49°31'13", a chord bearing of N65°17'09"W and a chord distance of 192.66 feet to a point on the northerly line of said Southwest 1/4;

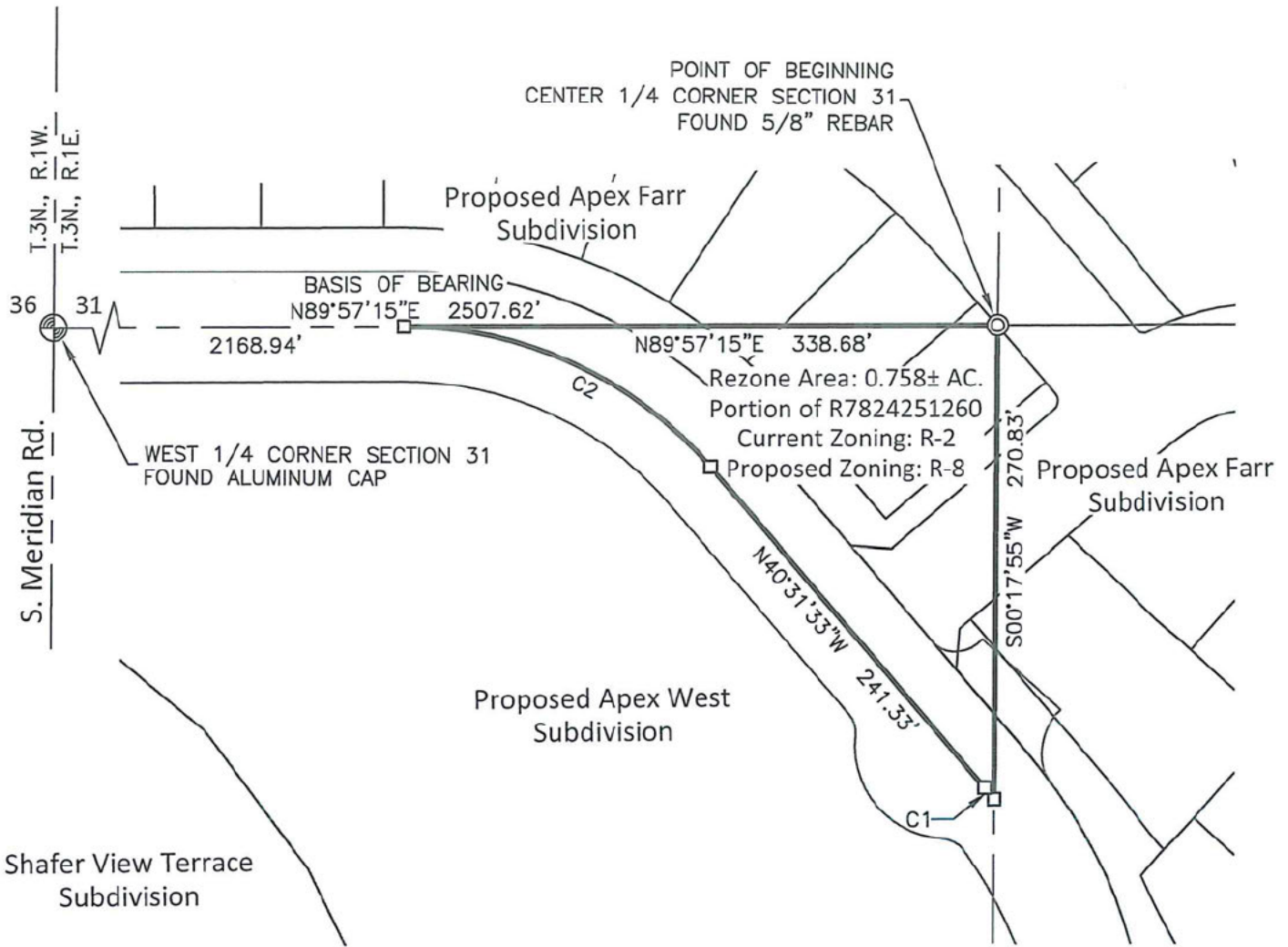
Thence following said northerly line, N89°57'15"E a distance of 338.68 feet to the **POINT OF BEGINNING**.

Said parcel contains a total of 0.758 acres, more or less.

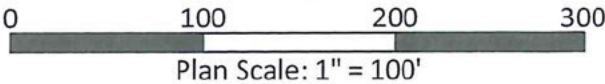
Attached hereto is Exhibit B and by this reference is hereby made a part of.



P:\21-248\CAD\SURVEY\EXHIBITS\21-248 REZONE TO R-8 SM.DWG, AARON BALLARD, 4/30/2024, ESTUDIO907.PC3, ----



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C1	280.00'	8.54'	1°44'51"	N39°39'07"W	8.54'
C2	230.00'	198.79'	49°31'13"	N65°17'09"W	192.66'

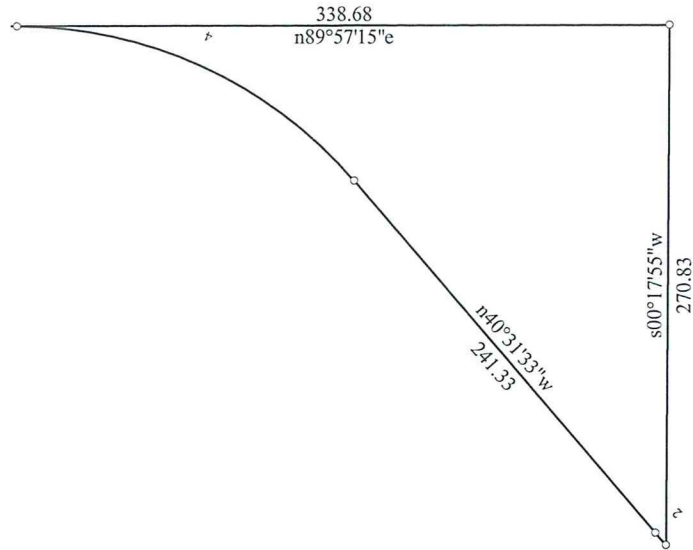


km
ENGINEERING
5725 NORTH DISCOVERY WAY
BOISE, IDAHO 83713
PHONE (208) 639-6939
kmengllp.com

DATE: April 2024
PROJECT: 21-248
SHEET: 1 OF 1

Exhibit  Rezone to R-8
Apex Farr Subdivision

A portion of the Lot 1, Block 5 of Shafer View Terrace in the NE 1/4 of the SW 1/4 of Sec. 31, T3N, R1E, BM, City of Meridian, Ada County, Idaho



Title: Rezone to R-8

Date: 04-30-2024

Scale: 1 inch = 100 feet

File:

Tract 1: 0.758 Acres: 33012 Sq Feet: Closure = s43.5101e 0.01 Feet: Precision = 1/125966: Perimeter = 1058 Feet

001=s00.1755w 270.83
002: Lt, R=280.00, Delta=01.4451
Bng=n39.3907w, Chd=8.54

003=n40.3133w 241.33
004: Lt, R=230.00, Delta=49.3113
Bng=n65.1709w, Chd=192.66

005=n89.5715e 338.68

EXHIBIT B

**CITY OF MERIDIAN
FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION & ORDER**



In the Matter of the Request for A Development Agreement Modification (MDA) to Remove the Property Annexed with South Meridian - Arbor Ridge (H-2015-0019, Inst. #2016-007071) and Portions of the Property Annexed with Shafer View Terrace (H-2020-0117, Inst. #2021-102396) and Apex (H-2020-0066 Inst. #2020-178120) from the Existing Agreements to Include in a New Agreement and Update the Overall Conceptual Development Plan for the Site and Other Provisions as Applicable; Rezone (RZ) of 38.69-acres of Land from R-2 to R-8 (0.76-acre), R-15 to C-C (6.66-acres) and R-4 to R-8 (31.27-acres); and Preliminary Plat (PP) Consisting of 381 Single-family Residential Building lots, 6 Commercial Building Lots and 60 Common Lots on 131.89-acres of Land in the R-8, R-15 and C-C Zoning Districts for Apex Farr Subdivision, by Brighton Corporation.

Case No(s). H-2024-0014

For the City Council Hearing Date of: October 8, 2024 (Findings on October 22, 2024)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of October 8, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of October 8, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of October 8, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of October 8, 2024, incorporated by reference)

B. Conclusions of Law

1. The City of Meridian shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.

6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.
7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of October 8, 2024, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

Pursuant to the City Council's authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

1. The applicant's request for Development Agreement Modification, Rezone and Preliminary Plat is hereby approved per the provision in the Staff Report for the hearing date of October 8, 2024, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

Please take notice that approval of a preliminary plat, combined preliminary and final plat, or short plat shall become null and void if the applicant fails to obtain the city engineer's signature on the final plat within two (2) years of the approval of the preliminary plat or the combined preliminary and final plat or short plat (UDC 11-6B-7A).

In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of two (2) years, may be considered for final approval without resubmission for preliminary plat approval (UDC 11-6B-7B).

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-6B-7.A, the Director may authorize a single extension of time to obtain the City Engineer's signature on the final plat not to exceed two (2) years. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of Meridian City Code Title 11. If the above timetable is not met and the applicant does not receive a time extension, the property shall be required to go through the platting procedure again (UDC 11-6B-7C).

Notice of Development Agreement Duration

The city and/or an applicant may request a development agreement or a modification to a development agreement consistent with Idaho Code section 67-6511A. The development agreement may be initiated by the city or applicant as part of a request for annexation and/or rezone at any time prior to the adoption of findings for such request.

A development agreement may be modified by the city or an affected party of the development agreement. Decision on the development agreement modification is made by the city council in accord with this chapter. When approved, said development agreement shall be signed by the property owner(s) and returned to the city within six (6) months of the city council granting the modification.

A modification to the development agreement may be initiated prior to signature of the agreement by all parties and/or may be requested to extend the time allowed for the agreement to be signed and returned to the city if filed prior to the end of the six (6) month approval period.

E. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code § 1-7-10, seek judicial review of this final decision as provided by chapter 52, title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.

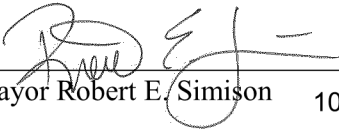
F. Notice of Right to Regulatory Takings Analysis

Pursuant to Idaho Code §§ 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

G. Attached: Staff Report for the hearing date of October 8, 2024

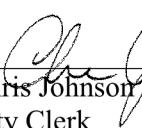
By action of the City Council at its regular meeting held on the 22nd day of October, 2024.

COUNCIL PRESIDENT LUKE CAVENER	VOTED <u>AYE</u>
COUNCIL VICE PRESIDENT LIZ STRADER	VOTED <u>AYE</u>
COUNCIL MEMBER DOUG TAYLOR	VOTED <u>AYE</u>
COUNCIL MEMBER JOHN OVERTON	VOTED _____
COUNCIL MEMBER ANNE LITTLE ROBERTS	VOTED <u>AYE</u>
COUNCIL MEMBER BRIAN WHITLOCK	VOTED _____
MAYOR ROBERT SIMISON (TIE BREAKER)	VOTED _____



Mayor Robert E. Simison 10-22-2024

Attest:


Chris Johnson 10-22-2024
City Clerk 

Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

By:  Dated: 10-22-2024
City Clerk's Office

COMMUNITY DEVELOPMENT DEPARTMENT REPORT



HEARING DATE: 10/8/2024

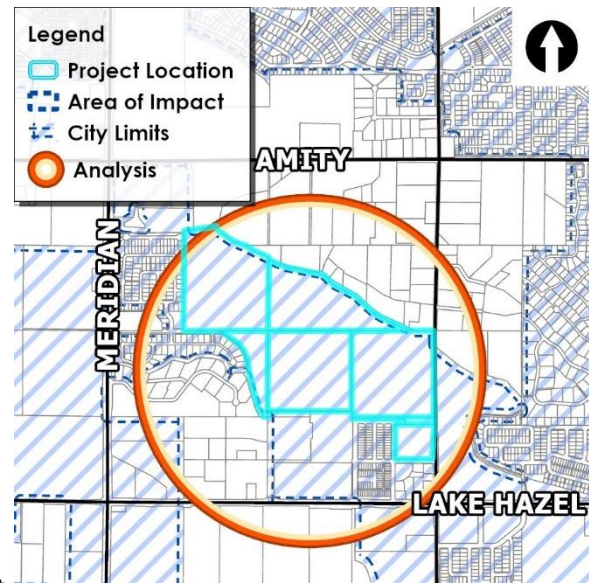
TO: Mayor & City Council

FROM: Sonya Allen, Associate Planner
208-884-5533
sallen@meridiancity.org

APPLICANT: Brighton Corporation

SUBJECT: [H-2024-0014](#)
Apex Farr –MDA, PP, RZ
(aka Pinnacle)

LOCATION: West side of S. Locust Grove Rd., north of E. Lake Hazel Rd. and east of S. Meridian Rd., in the NW 1/4 and the east 1/2 of Section 31, T.3N., R.1E.



I. PROJECT OVERVIEW

A. Summary

The Applicant has submitted applications for the following:

- Development Agreement modification (MDA) to remove the property annexed with South Meridian - Arbor Ridge (H-2015-0019, Inst. #2016-007071) and portions of the property annexed with Shafer View Terrace (H-2020-0117, Inst. #2021-102396) and Apex (H-2020-0066 Inst. #2020-178120) from the existing agreements to include in a new agreement and update the overall conceptual development plan for the site and other provisions as applicable;
- Rezone (RZ) of 38.69-acres of land from R-2 to R-8 (0.76-acre), R-15 to C-C (6.66-acres) and R-4 to R-8 (31.27-acres); and
- Preliminary Plat (PP) consisting of 381 single-family residential building lots, 6 commercial building lots and 60 common lots on 131.89-acres of land in the R-8, R-15 and C-C zoning districts.

B. Issues

- Block 12 exceeds the maximum block face length allowed in UDC 11-6C-3F for residential districts along W. Precipice Dr. and along W. Vertex Dr.

The Applicant requests a Council waiver to the block face standard for both of these block faces due to the block design being constrained by site conditions that include a large waterway/irrigation facility (i.e. the Farr Lateral) along the northern boundary and steep slopes ranging from 7-12% within a portion of the area. Traffic calming is proposed in the form of a 29-foot wide street section for W. Precipice Dr. along the Farr Lateral and bulb outs and choke points. (See Section III.E.6 for more information.)

- A 25-foot wide buffer is required in the C-C zoning district on Lots 1, 5 and 6, Block 23 to the abutting residential uses along the west boundary as set forth in UDC Table 11-2B-3. Landscaping and fencing (if the use can't be adequately buffered by landscaping) is required within the buffer in accord with the standards listed in UDC 11-3B-9C.

The Applicant requests City Council approval of *no* buffer in this area on the commercial property with the provision of a 15-foot wide common area mew on the residential property, which will include landscaping and a sidewalk. The Applicant asserts the mew will act as a buffer that still provides connectivity to the adjoining uses and walkability to the adjoining commercial uses to the east in accord with the MU-C FLUM designation. **Staff recommends if Council is amendable to the Applicant's request that the common area mew is increased to a minimum of 20-foot wide consistent with the linear open space standards in UDC [11-3G-3B.1e](#) and includes landscaping in accord with the standards for landscape buffers to adjoining uses listed in UDC [11-3B-9C](#).** If Council grants the request, a reduction to the buffer width does not affect building setbacks; all commercial structures shall be set back from the property line a minimum of the buffer width (i.e. 25-feet) required in the C-C zoning district. (See Section III.D.3.iii for more information.)

As an alternative to the Applicant's request, Staff recommends a public street is provided between the residential and commercial portions of Block 23, which would require no buffer on the C-C zoned property, and an alley is provided for access to the residential units rather than a private street. The addition of a public street will provide a named street for addressing the east-facing units, provide for on-street parking for guests of the residential units and provide a transition/separation between land uses (see concept plan in Section III.E.1) and Staff's original recommendation to provide a public street between the residential and commercial uses, which doesn't meet ACHD's off-set requirements, Staff recommends residential lots/uses are removed from Block 23 and all of Block 23 is developed with commercial uses and zoned C-C.

C. Recommendation

Staff: Staff recommends approval of the proposed MDA, RZ and PP requests with the provisions included below in Section IV.

Commission: The Commission recommends approval to City Council of the proposed MDA, RZ and PP requests with the provisions recommended by Staff and changes requested by the Applicant and agreed upon by Staff included below in Section IV.

D. Decision

Council: The City Council approved the proposed MDA, RZ and PP requests with the amended provisions in Section IV below.

II. COMMUNITY METRICS

Table 1: Land Use

Description	Details	Map Ref.
Existing Land Use(s)	Rural residential/agricultural	-
Proposed Land Use(s)	Single-family residential detached/ <u>attached</u> dwellings	-
Existing/Proposed Zoning	Existing: R-2 (Low-density Residential), R-4 (Medium-low Density Residential), R-8 (Medium-density Residential) and R-15 (Medium-high Density Residential). Proposed: R-8 (Medium-density Residential), R-15 (Medium-high Density Residential), C-C (Community Business)	VII.A.2

Description	Details	Map Ref.
Existing Future Land Use Designations	LDR (Low Density Residential), MDR (Medium Density Residential) and MU-C (Mixed Use – Community) with a school designation	VII.A.3

Table 2: Process Facts

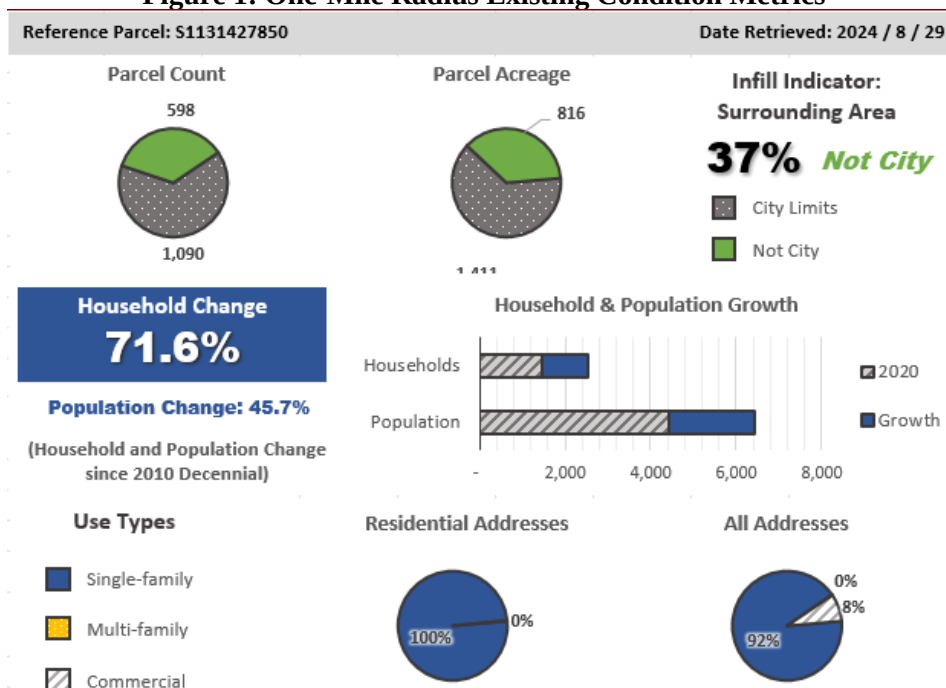
Description	Details
Preapplication Meeting date	4/9/2024 PREAPP-2023-0164
Neighborhood Meeting	2/15/2024
Site posting date	8/23/2024

Table 3: Community Metrics

Agency / Element	Description / Issue	Reference
Ada County Highway District		
• Comments Received	Yes	
• Commission Action Required	No	
• Access	Various access points	
• Traffic Level of Service	Better than “E”	
Traffic Impact Study (Y/N)	No	
ITD Comments Received	No	
Meridian Fire	Distance to Station: 1 +/- mile to Station #7; Response Time: see comments	
Meridian Police	No comments received	
Meridian Public Works Wastewater	Distance to Mainline: Sewer is available at site; Impacts or Concerns: Flow is committed – see site specific conditions	
Meridian Public Works Water	Distance to Mainline: Water is available at site in pressure zone 5 – project is consistent with water master plan; Impacts or Concerns: See Public Works comments	

See City/Agency Comments and Conditions Section for all department/agency and the [public record](#) for comments received on this application.

Figure 1: One-Mile Radius Existing Condition Metrics



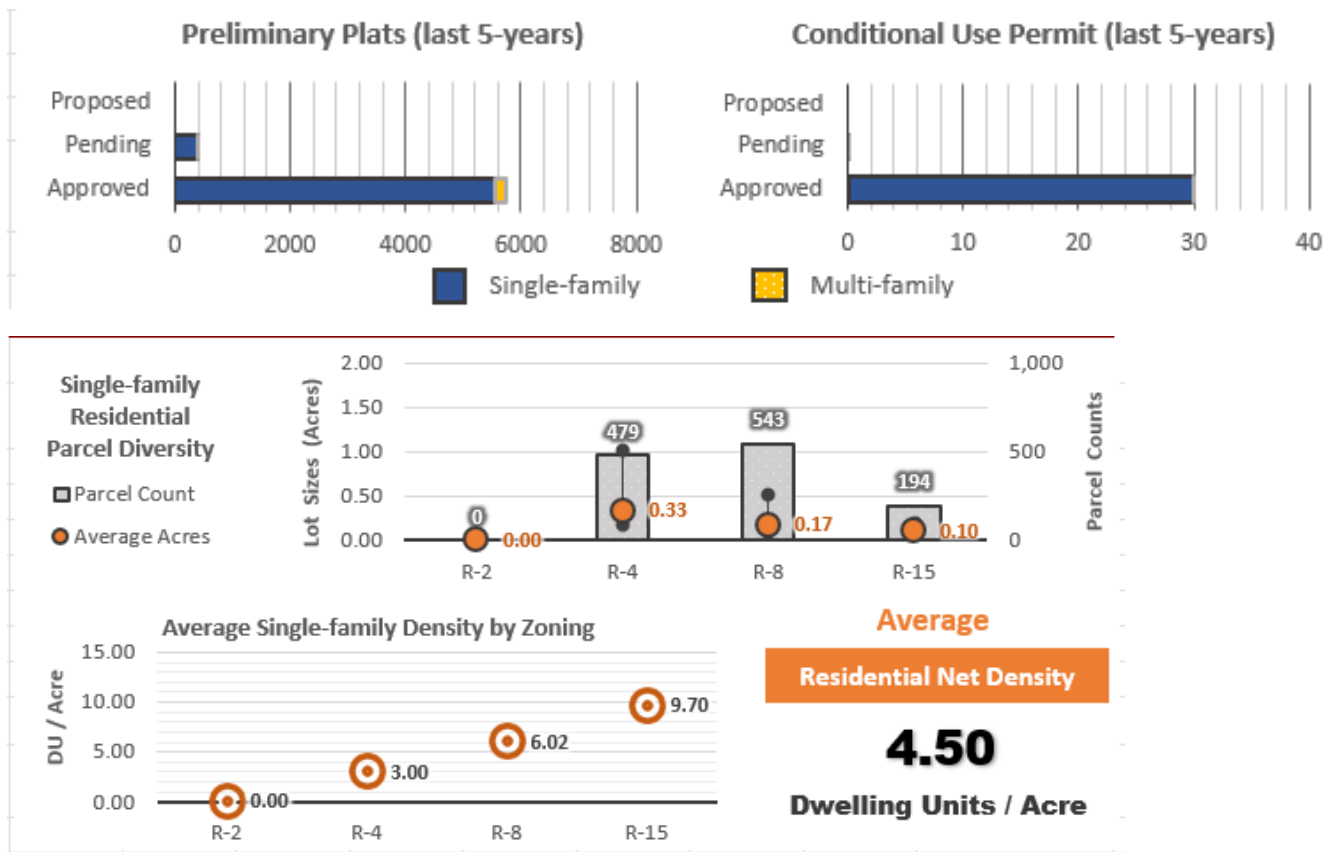
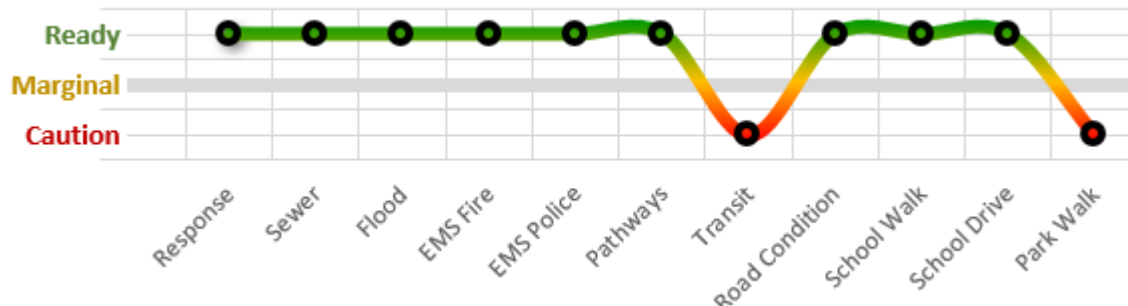


Figure 2: Service Impact Summary



III. STAFF ANALYSIS

Comprehensive Plan and Unified Development Code (UDC)

A. History

The subject property, except for the R-2 zoned portion, was annexed in 2015 with an R-4 zoning district as part of the South Meridian Category A annexation, which included multiple properties and property owners ([H-2015-0019](#)). A “placeholder” R-4 zoning district was approved with individual Development Agreements (DA’s) for each property owner [i.e. Arbor Ridge (Inst. #[2016-007071](#)), Brighton Investments LLC (Inst. #[2016-007072](#)), SCS Brighton LLC (Inst. #[2016-007073](#)), Murgoitio Limited Partnership (Inst. # Inst. #[2016-007074](#))], which require modification of the agreements prior to development of the property to approve any proposed development plan.

In 2020, a modification to the existing DA’s for Brighton Investments LLC (Inst. #2016-007072), SCS Brighton LLC (Inst. #2016-007073) and Murgoitio Limited Partnership (Inst. # Inst. #2016-007074) was approved, which replaced those agreements with one (1) new agreement (Apex H-2020-0066, DA Inst.

#2020-178120). A rezone (Apex [H-2020-0066](#)) was approved for much of the subject property from the R-4 to the R-8 and R-15 districts. *The Arbor Ridge R-4 zoned property along the northern boundary was under different ownership at that time and was not included in the rezone but is part of the subject rezone application.* A preliminary plat ([H-2020-0056](#)) was also approved for Apex Northwest Subdivision, which included the R-15 zoned portion of the subject property at the southeast corner. The conceptual Master Plan included in the DA depicts “future development” with no specific development plan for the areas not included in the preliminary plat with a general street layout on the land southwest of the Williams gas pipeline and a future school at the northwest corner of Locust Grove and Crescendo.

In 2021, the R-2 zoned portion of the property was annexed with a DA (Inst. #[2021-102396](#)) and included in Shafer View Terrace Subdivision as Lot 1, Block 5 ([H-2020-0117](#), [FP-2021-0056](#)). This lot was depicted as a future phase with no specific development plan.

A preliminary plat ([H-2021-0087](#)) was approved in 2021 for Apex West Subdivision, which included Lot 1, Block 5, Shafer View Terrace Subdivision and a portion of the subject property. *A portion of this property is included in the subject preliminary plat; the remainder will be part of Apex West.*

Table 4: Project Overview

Description	Details
History	H-2015-0019 (AZ South Meridian: Arbor Ridge DA Inst. # 2016-007071 , Brighton Investments LLC DA Inst. # 2016-007072 , SCS Brighton LLC DA Inst. # 2016-007073 , Murgoitio Limited Partnership DA Inst. # Inst. # 2016-007074); H-2020-0056 (Apex Northwest – PP), H-2020-0066 [Apex MDA, RZ (replaced all earlier DA’s) – Inst. # 2020-178120]; Shafer View Terrace (H-2020-0117 , DA Inst. # 2021-102396); Apex West (H-2021-0087); Apex NW Pool PBA-2024-0006 – ROS #14520).
Phasing Plan	7
Physical Features	The McBirney Lateral runs east/west through this site, the Watkins Drain runs north/south through the northwest portion of this site, the Carlson Lateral runs along the northern boundary of the site and the Farr Lateral runs along the northern boundary of the site. The Williams Northwest gas pipeline also bisects this site. There is a significant grade on the northern portion of the site south of the Farr Lateral (it’s higher in that area and slopes to the south).
Acreage	131.89-acres
Lots	381 single-family residential building lots, 6 commercial building lots and 60 common lots

B. General Overview

Development Agreement Modification:

The subject property is currently subject to three (3) different DA’s (i.e. South Meridian - Arbor Ridge (H-2015-0019, Inst. #2016-007071); Shafer View Terrace (H-2020-0117, Inst. #2021-102396); and Apex (H-2020-0066 Inst. #2020-178120). A Development Agreement modification is proposed to include these properties in one (1) new agreement; these properties will no longer be subject to the previous DA’s. *(See legal description and exhibit map of property subject to the new DA in Section VII.C below.)*

An updated conceptual master plan, shown in Section VII.K below, is proposed to be included in the DA for the overall area subject to the DA. *Note: The future school previously planned at the northwest corner of Locust Grove and Crescendo was shifted to the south side of Lake Hazel, east of Locust Grove; a public school is planned on the east side of Locust Grove Rd. in the future.*

Rezone:

A rezone of 38.69-acres of land is proposed from R-2 to R-8 (0.76-acre), R-15 to C-C (6.66-acres) and R-4 to R-8 (31.27-acres). *(See legal descriptions and exhibit maps for property proposed to be rezoned in Section VII.D below.)*

The area proposed to be rezoned to R-8 is designated Medium Density Residential (MDR) on the Comprehensive Plan Future Land Use Map (FLUM), except for a 0.76-acre portion which is designated Low Density Residential (LDR). The area proposed to be zoned C-C is designated Mixed Use – Community (MU-C). The proposed development plan is consistent with the Comprehensive Plan FLUM designations.

Preliminary Plat:

The Preliminary Plat consists of 381 single-family residential building lots, 6 commercial building lots and 60 common lots on 131.89-acres of land in the proposed R-8, R-15 and C-C zoning districts and is a re-subdivision of a portion of Lot 1, Block 5, Shafer View Terrace Subdivision. The plat is proposed to develop in seven (7) final plat phases as shown on the phasing plan. *(See preliminary plat and phasing plan in Section VII.E below.) Note: The remainder of Lot 1, Block 5 of Shafer View Terrace Subdivision that's not part of the subject plat will be included in the Apex West final plat (H-2021-0087).*

The minimum lot size proposed is 4,180 square feet (s.f.) with an average lot size of 8,021 s.f. A gross density of 2.84 units per acre with a net density of 5.43 units per acre is proposed, which is consistent with the density desired in the MDR FLUM designation.

A mix of front-loaded and alley-loaded units in a variety of different lot sizes are proposed with larger lots along the northern boundary to provide a transition between the rural lots to the north of the Farr Lateral.

C. Site Development and Use Analysis**1. Existing Structures/Site Improvements (UDC 11-1):**

There are some existing structures on the site that are required to be removed prior to City Engineer signature on the final plat phase in which they are located.

There are several site constraints that effect the design and layout of this project, as follows (see map below for reference):

- The Carlson Lateral runs along the northwest boundary of the site
- The Farr Lateral runs along the northeast boundary of the site at the highest elevation of the project.
- The McBirney Lateral will be piped and is located in the southeast portion of the project.
- The Watkins Drain runs through the northwest quadrant.
- The Williams Northwest Gas Pipeline bisects this site within a 75-foot wide easement.
- There is an existing sewer trunk line on the northwest corner of the property in a 25-foot wide easement.
- There are slopes between 7 and 12% within the area shown in red on the map below.



Proposed Use Analysis (*UDC 11-2*):

Single-family residential detached and attached dwellings are principally permitted in the R-8 and R-15 zoning districts, per UDC [Table 11-2A-2](#).

Commercial uses are allowed in the C-C zoning district as listed in UDC [Table 11-2B-2](#).

3. Dimensional Standards (*UDC 11-2*):

See UDC Table [11-2A-6](#) and [11-2A-7](#) for the dimensional standards of the R-8 and R-15 zoning districts, respectively; and,

UDC [Table 11-2B-3](#) for the dimensional standards of the C-C zoning district.

4. Specific Use Standards (*UDC 11-4-3*):

There are no specific use standards that apply for single-family detached and attached dwellings. UDC [Table 11-2B-2](#) notes if specific use standards listed in UDC [11-4-3](#) are applicable to certain uses in the C-C zoning district.

D. Design Standards Analysis

1. Existing structure and Site Design Standards (*Comp Plan, UDC 11-3A-19*):

Future development of the C-C zoned area should comply with the structure and site design standards listed in UDC [11-3A-19](#); review for compliance with these standards will take place with future development applications.

The proposed development should create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices in accord with Comprehensive Plan Policy #3.07.01A.

2. Qualified Open Space & Amenities (*Comp Plan, UDC 11-4-3-27*):

The residential portion of the development is required to comply with the open space and site amenity standards listed in UDC [11-3G-3](#) and [11-3G-4](#).

A minimum of 15% (or 18.93-acres based on 126.2-acres of residential area) qualified open space is required to be provided in the R-8 and R-15 zoning districts; a total of 36.1-acres (or 29.1%) is proposed that meets the quality standards listed in UDC 11-3G-3A.2. Qualified open space consists of open grassy areas exceeding 5,000 square feet in area, an education garden, linear open space, street buffers along arterial and collector streets, parkways and stormwater detention facilities. When counting street buffers along arterial and collector streets, the buffers need to comply with the enhanced buffer requirements in UDC [11-3G-3B.3](#). Parkway along local residential streets are required to meet the standards listed in UDC [11-3G-3B.4](#) when counted toward open space. Stormwater detention facilities are required to meet the standards in UDC [11-3G-3B.5](#) when counted toward open space.

Amenities totaling a minimum of 26 points from each category are required to be provided based on the area of the development (i.e. 131.89-acres).

An open space exhibit was submitted as shown in Section VII.I.

Site amenities totaling 30 points (pts.) are proposed from each category as follows:

- Quality of Life: two (2) fitness courses (2 pts. each = 4 pts.), a dog park (2 pts.), two (2) education gardens (1 pt. each = 2 pts.).

Per UDC 11-3G-3C, the fitness course is required to have a minimum of six (6) stations permanently installed; and the dog park is required to have bags for dog waste disposal, a double entrance gate, bench(es) and fencing to enclose a minimum of 5,000 square feet and secured open space for an off-leash dog park.

- Recreation Activity Area: swimming pool with changing facilities & restrooms (6 pts.), (2) tot lots/natural play areas (1 pt. each = 2 pts.).

Per UDC 11-3G-3D, the swimming pool is required to be constructed in ground and meet all Building Code requirements; the tot lots are required to have commercial grade play equipment scaled and designed for the use and safety of younger children and benches for seating shall be nearby.

- Pedestrian or Bicycle Circulation System: 0.37-mile of pathway aligned with linear open space (1 pt.) and 1.61-miles of multi-use pathway (12 pts.).

The proposed pathways are not required sidewalk adjacent to public right-of-way. The multi-use pathway will connect to planned pedestrian or bicycle routes outside the development in accord with the Pathways Master Plan. All pathways will be designed and constructed in accord with adopted City standards.

- Multi-modal: bicycle repair station (1 pt.)

The bicycle repair station is required to be a fixed installation with tools and an air pump per UDC [11-3G-4F.2](#).

The proposed common open space and site amenities meet and exceed UDC standards for such.

- i. Landscaping is required to be provided in common open space areas in accord with the standards listed in UDC [11-3G-5B](#).

The proposed development is consistent with Comprehensive Plan Policy #2.02.00, which states, *Plan for safe, attractive, and well-maintained neighborhoods that have ample open space, and generous amenities that provide varied lifestyle choices.*

3. Landscaping (*Comp Plan, UDC 11-3B*):

Attractive landscaping and pedestrian friendly design is required within new developments in accord with Comprehensive Plan Policy #5.01.02G.

Landscaping is required to be provided within the development in accord with the standards listed in UDC 11-3B.

- i. Landscape buffers along streets

A 25-foot wide street buffer is required along S. Locust Grove Rd., an arterial street; 20-foot wide street buffers are required along all collector streets (i.e. E. Crescendo St., S. Sublimity Ave., E. Quartz Creek St., Apex Way and Elevated Way); and a 10-foot wide street buffer is required along local streets (i.e. E. Phenomenal St.) in the C-C district.

Landscaping is required within the street buffers in accord with the standards listed in UDC [11-3B-7C](#). **All street buffers are required to be in a common lot or on a permanent dedicated buffer easement, maintained by the property owner, homeowner's association or business owner's association per UDC 11-3B-7C.2a and should be depicted on the plat.**

A 4-foot tall berm is proposed within the street buffer along S. Locust Grove Rd.

- ii. Parking lot landscaping

Internal parking lot landscaping is required with future development of the C-C zoned lots in accord with the standards listed in UDC [11-3B-8C](#).

- iii. Landscape buffers to adjoining uses

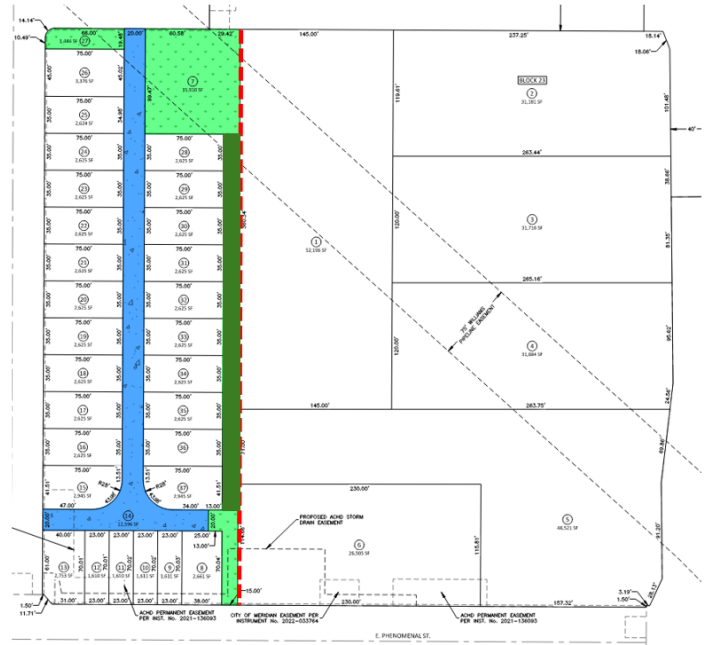
A 25-foot wide buffer is required in the C-C zoning district on Lots 1, 5 and 6, Block 23 to the abutting residential uses along the west boundary as set forth in UDC Table 11-2B-3.

Landscaping and fencing (if the use can't be adequately buffered by landscaping) is required within the buffer in accord with the standards listed in UDC [11-3B-9C](#).

The Applicant requests City Council approval of *no* buffer in this area with the provision of a 15-foot wide common area mew on the residential portion, which will include landscaping and a sidewalk as shown in the exhibit below. The Applicant asserts the mew will act as a buffer that still provides connectivity to the adjoining uses and walkability to the adjoining commercial uses to the east in accord with the MU-C FLUM designation. Staff recommends if Council is amendable to the Applicant's request that the common area mew is increased to a minimum of 20-foot wide consistent with the linear open space standards in UDC [11-3G-3B.1e](#) and includes landscaping in accord with the standards for landscape buffers to adjoining uses listed in UDC [11-3B-9C](#). If Council grants the request, a reduction to the buffer width shall not affect building setbacks; all structures shall be set back from the property line a minimum of the buffer width (i.e. 25-feet) required in the C-C zoning district.

As an alternative to the Applicant's request, ~~which would require no buffer on the C-C zoned property, Staff recommends a public street is provided between the residential and~~

commercial portions of Block 23 and an alley is provided for access to the residential units rather than a private street. The addition of a public street will provide a named street for addressing the east-facing units, provide for on-street parking for guests of the residential units and provide a transition/separation between land-uses and Staff's original recommendation to provide a public street between the residential and commercial uses, which doesn't meet ACHD's off-set requirements, Staff recommends residential lots/uses are removed from Block 23 and all of Block 23 is developed with commercial uses and zoned C-C. See concept layout below in Section III.E.1.



- iv. Tree preservation
Existing trees 4-inch caliper or greater that are removed from the site during development may require mitigation (see UDC [11-3B-10](#) for more information). **Include mitigation information on the landscape plan that demonstrates compliance with the standards in UDC 11-3B-10.C.5.**
- v. Storm integration
Stormwater integration is required in accord with the standards listed in UDC [11-3B-11C](#). A [Geotechnical Investigation](#) report was submitted with this application.
- vi. Pathway landscaping
Landscaping is required along all pathways in accord with the standards listed in UDC [11-3B-12C](#).
4. Parking (UDC 11-3C):
Off-street parking is required to be provided with all development in accord with UDC standards.
 - i. Residential parking analysis
Off-street parking is required to be provided for all single-family residential units in accord with the standards for such listed in UDC [Table 11-3C-6](#).
 - ii. Nonresidential parking analysis
Off-street parking is required to be provided for non-residential uses in the commercial district in accord with the standards listed in UDC [11-3C-6B](#).

iii. Bicycle parking analysis

A minimum of one (1) bicycle parking is required to be provided for every 25 proposed vehicle parking spaces or portion thereof, except for single-family residences, per UDC [11-3C-6G](#). Bicycle parking facilities should comply with the standards listed in UDC [11-3C-5C](#).

5. Building Elevations (*Comp Plan, Architectural Standards Manual*):

Several conceptual building elevations were submitted for the proposed single-family detached homes in the residential development, included in Section VII.L below. A mix of single-story and 2-story homes are proposed that include a variety of siding styles with masonry accents in a variety of colors and design elements/features with varying roof profiles and wall modulation that demonstrate the high quality of development proposed. Conceptual elevations were not submitted for the proposed single-family attached units; final design is required to comply with the design standards in the Architectural Standards Manual.

Design review is not required for single-family detached structures. However, because the rear and/or sides of homes facing S. Locust Grove Rd. and internal collector streets will be highly visible, Staff recommends a DA provision requiring those elevations incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from adjacent public streets. Single-story homes are exempt from this requirement.

Conceptual elevations weren't submitted for the commercial portion of the development. Administrative design review is required for those structures as well as the swimming pool and associated structure in the residential portion of the development in accord with the design standards in the Architectural Standards Manual.

Staff is of the opinion the proposed conceptual building elevations are in accord with Comprehensive Plan Policy #5.01.02L: “*Support beautiful and high-quality development that reinforces neighborhood character and sustainability.*”

6. Fencing (*UDC 11-3A-6, 11-3A-7*):

All/any fencing proposed on the site should comply with the standards listed in UDC [11-3A-6](#) for fencing along waterways and [11-3A-7](#).

7. Parkways (*UDC 11-3A-17*):

All parkways should comply with the standards for such listed in UDC [11-3A-17](#).

E. Transportation Analysis

A Traffic Impact Study (TIS) was not submitted for this development as ACHD did not require one.

Capital Improvements Plan (CIP)/Integrated Five Year Work Plan (IFYWP):

- Amity Road is scheduled in the IFYWP to be widened to 5-lanes from SH-69 (Meridian Road) to Locust Grove Road with a design year of 2023-2024, a right-of-way year of 2027-2028, and construction year yet to be determined.
- Amity Road is scheduled in the IFYWP to be widened to 5-lanes from Locust Grove Road to Eagle Road with a design year of 2025-2026, a right-of-way year of 2027, and a construction year yet to be determined.
- Locust Grove Road is scheduled in the IFYWP to be widened to 3-lanes from Amity Road to Victory Road with a design year of 2028-2029 and a construction year yet to be determined.
- The intersection of Amity Road and Locust Grove Road is scheduled in the IFYWP to be constructed as a multi-lane roundabout with 2-lanes on the north leg, 2-lanes on the south, 4-lanes east, and 4-lanes on the west leg with a design year of 2023-2024, a right-of-way year of 2027-2928, and a construction year yet to be determined.
- Locust Grove Road is listed in the CIP to be widened to 3-lanes from Lake Hazel Road to Amity Road between 2036 and 2040.

Condition of Area Roadways (Traffic Count is based on Vehicles per Hour (VPH):

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service
Locust Grove Road	2,006-feet	Minor Arterial	181	Better than "E"
Lake Hazel	0-feet	Minor Arterial	351	Better than "E"

* Acceptable level of service for a three-lane minor arterial is "E" (720 VPH).

* Acceptable level of service for a five-lane minor arterial is "E" (1,540 VPH).

Collector streets are required to be constructed with development in accord with ACHD's Master Street Map (MSM) and/or as required by ACHD. The following streets are required to be constructed as collector streets: E. Crescendo St., E. Quartz Creek St., Apex Way and Elevated Way.

Access (*Comp Plan*, UDC 11-3A-3, UDC 11-3H-4):

1. Access is proposed via the extension of E. Quartz Creek St., E. Tranton St. ~~and E. Liberator Ct.~~ at the project's west boundary; and from S. Locust Grove Rd. via S. Apex Way and E. Crescendo St. An emergency access is proposed at the north boundary via S. Margaret Ave. East Liberator Ct. stubs to the northwest boundary of the site but due to the slope in that area, that street is not proposed to be extended with development.

Stub streets are proposed for future extension and interconnectivity with adjacent development and future development in Apex/Pinnacle. An east/west and north/south collector street is required to be provided through the development per ACHD's Master Street Map (MSM). A collector street is stubbed to the north, which will extend to E. Amity Rd. with future development; and S. Apex Way will extend to S. Locust Grove Rd. as a collector street in accord with the MSM.

Cross-access/ingress-egress easements should be provided between all of the commercial lots (i.e. Lots 1-6, Block 23) either by recorded easement or as a note on the final plat in accord with UDC [11-3A-3A.2](#).

The north/south drive depicted on the plat that provides access to the residential lots in Block 23 should be realigned to reflect the updated design shown on the landscape plan. Staff is *not* in favor of the proposed layout of this block with the residential units abutting the parking lot for the commercial area with only 15-feet in between consisting of landscaping and a pathway. Accordingly, Staff recommends the access drive for the residential units is constructed as an alley and a north/south public street is provided between the residential and the commercial lots for addressing purposes for the east-facing residential units, for on-street parking for the residential units and as a transition/separation between land uses. The following is the existing layout and a concept layout showing Staff's recommended changes: Because Staff's original recommendation to provide a local street between the residential and commercial uses doesn't meet ACHD's off-set policy, Staff recommends the residential lots/uses are removed from Block 23 and all of Block 23 is developed with commercial uses and zoned C-C.

Existing Layout:



Recommended layout:



Local and collector street connectivity is proposed within the development in accord with Comprehensive Plan Policy #6.01.02B, “Reduce the number of existing access points onto arterial streets by using methods such as cross-access agreements, access management, and frontage/backage roads, and promoting local and collector street connectivity.”

2. Multiuse Pathways (UDC 11-3A-5):

Multi-use pathways are required to be provided with development in accord with the Pathways Master Plan as required by the [Park’s Department](#). **Per the plan, a 10-foot wide multi-use pathway is required within the Williams gas pipeline easement and should extend as a detached pathway along the north side of E. Crescendo St. to the detached pathway along S. Locust Grove Rd. A 10-foot wide detached multi-use pathway is also required along the west side of S. Elevated Way to create a pedestrian connection between the proposed park amenity and the existing pathway to the south in Apex West subdivision.**

A pathways plan is included in Section VII.J that depicts all pathways proposed within the development.

A 14-foot wide public use easement is required for the multi-use pathways required by the Pathways Master Plan where they lie outside of public right-of-way and should be submitted to the Planning Division and recorded prior to City Engineer signature on the final plat. The easement and recorded instrument number should be depicted on the plat.

3. Pathways (Comp Plan, UDC 11-3A-8):

All pathways should be constructed in accord with the standards listed in UDC [11-3A-8](#).

A pathways plan is included in Section VII.J that depicts all pathways proposed within the development.

4. Sidewalks (UDC 11-3A-17):

All sidewalks should be constructed in accord with the standards listed in UDC [11-3A-17](#).

A sidewalk is not proposed along the northern boundary of the site adjacent to the Farr Lateral on the northeast side of W. Precipice Dr. due to the grade difference between the waterway and the street (the lateral is higher). **The UDC requires sidewalks to be provided on both sides of public streets and does not include a provision for a waiver; therefore, Staff recommends changes to the development plan to provide a sidewalk along the northeast side of W. Precipice Dr.**

Staff recommends a DA provision requiring 10-foot wide detached sidewalks/pathways to be provided along S. Locust Grove Rd., an arterial street, all internal collector streets and those abutting this site in lieu of on-street bike lanes for public safety.

5. Private Streets (*UDC 11-3F-4*):

All private streets constructed within the subdivision should comply with the standards listed in UDC [11-3F-4](#). Private streets are proposed for access and addressing for the residential lots in Blocks 2 and 23. **A separate application is required to be submitted for approval of the private streets and should be submitted concurrently with the final plat application.**

Because the proposed private streets will result in several building lots having frontage on both public and private named streets in Blocks 2 and 23, which will likely create confusion for emergency responders, Staff is *not* in favor of the proposed layout of these blocks. Staff has recommended changes to the layout of Block 23, which will alleviate this issue, as discussed in Section III.E.1 above. Staff recommends the Applicant make changes to the layout of lots in Block 2 to comply with ACHD's requirements for public alleys so that these lots only have frontage on one (1) named street.

6. Subdivision Regulations (*UDC 11-6*):

Compliance with the subdivision design and improvements standards listed in UDC [11-6C-3](#) is required.

Alleys are required to comply with the standards in UDC 11-6C-3B.5. The proposed alleys appear to comply with these standards.

Common driveways are required to comply with the standards listed in UDC 11-6C-3D.

- Common driveways should serve a maximum of four (4) units; in no case should more than three (3) dwelling units be located on one (1) side of the driveway. **The common driveway in Block 12 serving Lots 72-75 exceeds the maximum number of dwelling units that may be served on one (1) side of the driveway. The plat should be revised to remove one (1) of these lots to comply with the standard; or, an alternative compliance request/application may be submitted to UDC 11-6C-3D.1 to be allowed four (4) driveways on one (1) side of the common driveway in accord with UDC 11-6C-3D.9. Note: The Fire Dept. has approved the design of this common driveway.**
- Solid fencing adjacent to common driveways is prohibited, unless separated by a minimum five-foot wide landscaped buffer planted with shrubs, lawn or other vegetative groundcover – construction of this buffer is the responsibility of the developer and not the adjacent homeowner.
- Perpetual ingress/egress is required either by a recorded easement or as a note on a recorded final plat. The easement or plat note shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment.

In residential districts, block faces should not be more than 750-feet in length without an intersecting street or alley, except where a pedestrian connection is provided, then the maximum block face may be extended up to 1,000-feet in length. The City Council may approve a block face up to 1,200-feet in length where the block design is constrained by site conditions which include steep slopes in excess of 10% or a large waterway/irrigation facility. In no case shall a block face exceed 1,200-feet, unless waived by City Council. Where appropriate, traffic calming may be required for blocks in excess of 1,000 feet.

- The face of Block 12 along W. Precipice Dr. is approximately 2,500-feet. Two (2) pedestrian connections are proposed within the block that provides pedestrian access between streets. The Farr Lateral runs along the north side of W. Precipice Dr. at the highest point of the development.

- The face of Block 12 along W. Vertex Dr. is approximately 1,500-feet. One (1) pedestrian connection is proposed within the block that provides pedestrian access between streets.

The Applicant requests a Council waiver to the block face standard for both of these block faces based on the above-noted site constraints in addition to those noted in Section III.C1 above. Traffic calming is proposed in the form of a 29-foot wide street section for W. Precipice Dr. along the Farr Lateral

and bulb outs and choke points at pedestrian crossings as shown below. Note: The proposed reduced street section will only allow parking on one side of the street.



F. Services Analysis

See Service Accessibility Report in Section VII.B below.

1. Waterways (*Comp Plan, UDC 11-3A-6*):

All waterways, except natural waterways, are required to be piped unless used as a water amenity or linear open space, in which case they may be left open as set forth in UDC 11-3A-6.

The McBirney Lateral runs east/west through this site within a 25-foot wide easement from centerline both directions and the Farr Lateral runs mostly off-site along the northeast boundary of the site within a 30-foot wide easement from centerline both directions. Both of these facilities are under the jurisdiction of the Boise Project Board of Control (BPBC). The Board does not allow landscaping, including trees and/or shrubs (other than gravel) within their easements – all fences, gates, pathways, and pressurized irrigation lines are required to be located just off the edge of the easements and the easements must be left a flat drivable surface.

The Watkins Drain runs north/south through the northwest portion of this site and the Carlson Lateral runs along the northern boundary of the site.

2. Pressurized Irrigation (*UDC 11-3A-15*):

Underground pressurized irrigation water is required to be provided in each development as set forth in UDC [11-3A-15](#).

3. Storm Drainage (*UDC 11-3A-18*):

An adequate storm drainage system is required in accord with the adopted standards, specifications and ordinances; design and construction shall follow Best Management Practice as adopted by the City per UDC 11-3A-18.

4. Utilities (*Comp Plan, UDC 11-3A-21*):

All utilities for the proposed development are required to be installed in accord with the standards listed in UDC 11-3A-21.

Water service is available at the site. Main lines are required to be extended to and through the subject property with development. The developer should coordinate main size and routing with the Public Works Dept. and execute standard forms of easements for any mains that are required to provide service.

Sanitary sewer service is available at the site. Main lines are required to be extended to and through the subject property with development. The developer should coordinate main size and routing with the Public Works Dept. and execute standard forms of easements for any mains that are required to provide service.

5. Topography

There is a significant grade on the northeastern portion of the site south of the Farr Lateral (it's higher in that area and slopes to the southwest).

6. Hazards

The Williams Northwest gas pipeline bisects this site and lies within a 75-foot wide easement.

Future development is required to comply with the Williams Pipeline Developer's Handbook.

IV. CITY/AGENCY COMMENTS & CONDITIONS

A. Meridian Planning Division

1. A new Development Agreement (DA) shall be required as a provision of the MDA and RZ applications. The previous DA's [i.e. South Meridian - Arbor Ridge (H-2015-0019, Inst. #2016-007071); Shafer View Terrace (H-2020-0117, Inst. #2021-102396); and Apex (H-2020-0066 Inst. #2020-178120)] shall no longer be in effect for the subject property.

Prior to approval of the rezone ordinance, a new DA shall be entered into between the City of Meridian, the property owner at the time of rezone ordinance adoption, and the developer. **A final plat application shall not be submitted until the rezone is finalized.** The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the date of City Council approval of the Findings of Fact, Conclusions of Law and Decision & Order for the Rezone and MDA request. The new DA shall incorporate the following provisions:

- i. Future development of the subject property shall be generally consistent with the conceptual development plan, preliminary plat, landscape plan, open space and site amenity exhibit included below in Section VII, the conditions contained herein and the standards in the Unified Development Code (UDC).
- ii. The subject property shall be subdivided prior to submittal of any building permit applications for the residential portion of the development and prior to issuance of any Certificates of Occupancies within the commercial portion of the development.
- iii. A 10-foot wide multi-use pathway shall be constructed within the Williams Northwest gas pipeline easement in accord with the Pathways Master Plan.
- iv. ~~Depict 10-foot wide detached sidewalks/pathways along both sides of all collector streets (i.e. E. Crescendo St., S. Sublimity Ave., E. Quartz Creek St., Apex Way and Elevated Way) and within the street buffer along S. Locust Grove Rd., an arterial street in lieu of on-street bicycle lanes.~~
- v. Future development shall comply with the Williams Pipeline Developer's Handbook.
- vi. The rear and/or sides of 2-story homes facing S. Locust Grove Rd. and the collector streets (i.e. E. Crescendo St., S. Sublimity Ave., E. Quartz Creek St., Apex Way and Elevated Way) shall incorporate

articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public streets. Single-story homes are exempt from this requirement.

vii. The uses allowed in the C-C zoning district shall be restricted to only those uses listed in UDC Table 11-2B-2 Allowed Uses in the Commercial Districts as allowed uses in the C-N zoning district. The purpose of such is to allow extended business hours of operation beyond those allowed in the C-N district, while not allowing certain uses in the C-C district that may not be compatible with abutting residential uses without a buffer to residential uses on the commercial property as approved by City Council.

viii. A 25-foot wide buffer to residential uses shall not be required to be provided with development of the C-C zoned lots in Block 23; in lieu of the buffer, a minimum 17-foot wide common area mew lot shall be provided along the east side of the R-15 zoned property in Block 23 (the length of abutting parking spaces on the commercial property may be reduced from 19- to 17-feet), as approved by City Council at the request of the Applicant. A reduction to the buffer width shall not affect building setbacks; all commercial structures shall be set back from the property line a minimum of the buffer width (i.e. 25-foot) required in the zoning district.

2. The final plat shall include the following revisions:

- i. Depict a 25-foot wide street buffer along S. Locust Grove Rd., an arterial street; 20-foot wide street buffers along all collector streets (i.e. E. Crescendo St., S. Sublimity Ave., E. Quartz Creek St., Apex Way and Elevated Way); and a 10-foot wide street buffer is required along the local street (i.e. E. Phenomenal St.) in the C-C district.
- ii. All street buffers shall be depicted in a common lot or on a permanent dedicated buffer easement in accord with UDC 11-3B-7C.2a.
- iii. ~~Depict 10-foot wide detached sidewalks/pathways along both sides of all collector streets (i.e. E. Crescendo St., S. Sublimity Ave., E. Quartz Creek St., Apex Way and Elevated Way) and within the street buffer along S. Locust Grove Rd., an arterial street, in lieu of on-street bicycle lanes. Only 5-foot wide detached sidewalks are required in accord with UDC 11-3A-17.~~
- iv. A 14-foot wide public use easement shall be depicted on the final plat for the multi-use pathways required by the Park's Dept. per the Pathways Master Plan where they lie outside of public right-of-way. The easement shall be submitted to the Planning Division and recorded prior to City Engineer signature on the final plat and the recorded instrument number shall be included on the plat.
- v. Solid fencing adjacent to common driveways is prohibited, unless separated by a minimum five-foot wide landscaped buffer planted with shrubs, lawn or other vegetative groundcover as set forth in UDC 11-6C-3D.5; include a buffer if fencing is proposed.
- vi. For all common driveways, a perpetual ingress/egress easement shall be depicted on the plat and a note shall be included for requirement of maintenance of a paved surface capable of supporting fire vehicles and equipment in accord with UDC 11-6C-3CD.8.
- vii. Depict cross-access/ingress-egress easements between all of the commercial lots (i.e. Lots 1-6, Block 23) in accord with UDC 11-3A-3A.2 and an easement that allows the adjacent residents to use the parking lot on the commercial property.
- viii. ~~Reconfigure Block 12 to comply with the block face standards listed in UDC 11-6C-3F, unless otherwise waived by City Council.~~ City Council approved a waiver to the block face standards on both sides of Block 12 that face W. Precipice Dr. and W. Vertex Dr. as requested by the Applicant due to the site constraints presented by the Applicant.

- ix. Revise the alignment of the north/south drive that provides access to the residential lots in Block 23 to reflect the updated layout shown on the landscape plan.
 - x. Remove Lot 24, Block 2 to enlarge the mew area and to reflect the updated layout shown on the landscape plan.
 - ~~xi. Depict a north/south public street between the residential lots and the commercial lots in Block 23 with parking on at least one (1) side of the street.~~
 - xii. ~~Revise the layout of the lots in Block 2 to comply with ACHD's requirements for public alleys so that these lots only have frontage on one (1) named street. Private streets were not required for addressing of these lots to alleviate the issue of lots having frontage on two (2) named streets.~~
 - xiii. Depict a sidewalk along the northeast side of W. Precipice Dr. as set forth in UDC 11-3A-17D, unless a waiver is allowed at the time of submittal of the final plat application. Council supported no sidewalk in this area due to the location of the Farr Lateral and no homes fronting on that side of the street; however, the current code doesn't have a provision for a waiver to this standard.
 - xiv. Depict traffic calming (i.e. a reduced 29-foot wide street section for W. Precipice Dr., bulb-outs and choke points) within the development as shown on the exhibit in Section VII.E as allowed by ACHD.
 - xv. Depict a minimum 17-foot wide common mew lot on the east side of the R-15 zoned property adjacent to the C-C zoned property in Block 23.
 - xvi. Include a note stating who will own and maintain the private alleys in Blocks 2 and 23.
3. The landscape plan submitted with the final plat application shall include the following revisions:
- i. Depict a 25-foot wide street buffer along S. Locust Grove Rd., an arterial street; 20-foot wide street buffers along all collector streets (i.e. E. Crescendo St., S. Sublimity Ave., E. Quartz Creek St., Apex Way and Elevated Way); and a 10-foot wide street buffer along E. Phenomenal St., a local street, in the C-C district, in accord with UDC Tables 11-2A-6, 11-2A-7 and 11-2B-3.
 - ii. All required street buffers shall be landscaped in accord with the standards listed in UDC 11-3B-7C. The arterial and collector street buffers shall comply with the enhanced buffer requirements listed in UDC 11-3G-3B.3 because they were counted toward open space requirements.
 - iii. Parkways along local residential streets shall comply with the standards listed in UDC 11-3G-3B.4 when counted toward open space requirements as proposed.
 - iv. Stormwater detention facilities shall comply with the standards in UDC 11-3G-3B.5 when counted toward open space requirements as proposed.
 - v. Include mitigation information on the landscape plan that demonstrates compliance with the standards in UDC 11-3B-10.C.5.
 - ~~vi. Depict 10-foot wide detached sidewalks/pathways along both sides of all collector streets (i.e. E. Crescendo St., S. Sublimity Ave., E. Quartz Creek St., Apex Way and Elevated Way) and within the street buffer along S. Locust Grove Rd., an arterial street, in lieu of on-street bicycle lanes.~~
 - vii. Solid fencing adjacent to common driveways is prohibited, unless separated by a minimum five-foot wide landscaped buffer planted with shrubs, lawn or other vegetative groundcover as set forth in UDC 11-6C-3D.5; if fencing is proposed, depict a buffer. Construction of this buffer is the responsibility of the developer and not the adjacent homeowner.
 - viii. Depict a sidewalk along the northeast side of W. Precipice Dr. as set forth in UDC 11-3A-17D, unless a waiver is allowed by the UDC at the time of submittal of the final plat application. Council supported no sidewalk in this area due to the location of the Farr Lateral and no homes fronting on that side of the street; however, the current code doesn't have a provision for a waiver to this standard.

- ~~ix. Depict a north/south public street between the residential lots and the commercial lots in Block 23 with parking on at least one (1) side of the street.~~
 - x. Depict landscaping in common open space areas in accord with the standards listed in UDC 11-3G-5B.
 - xi. Depict landscaping along all pathways in accord with the standards listed in UDC 11-3B-12C.
 - xii. Depict open vision fencing along the entire length of the Farr Lateral adjacent to the northeast boundary of the site for public safety in accord with the standards listed in UDC 11-3A-6C at the direction of City Council.
 - xiii. Depict a minimum 17-foot wide common mew lot on the east side of the R-15 zoned property adjacent to the C-C zoned property in Block 23 with a detached sidewalk and landscaping consistent with the drawings and perspectives presented by the Applicant at the City Council hearing shown in Section VII.J below.
 - xiv. Depict landscaping and trees along the northeast boundary of the site in the buffer/slope adjacent to the Farr Lateral as proposed by the Applicant in the exhibit in Section VII.H below to buffer the residential properties to the north.
4. The fitness course shall to have a minimum of six (6) stations permanently installed in accord with UDC 11-3G-3C.6.
 5. The dog park shall have bags for dog waste disposal, a double entrance gate, bench(es) and fencing to enclose a minimum of 5,000 square feet and secured open space for an off-leash dog park in accord with UDC 11-3G-3C.9.
 6. The swimming pool shall be constructed in ground and meet all Building Code requirements in accord with UDC 11-3G-3D.1.
 7. The tot lots shall have commercial grade play equipment scaled and designed for the use and safety of younger children and benches for seating shall be nearby in accord with UDC 11-3G-3D.3.
 8. The bicycle repair station is required to be a fixed installation with tools and an air pump per UDC 11-3G-4F.2.
 9. Either apply for alternative compliance to UDC 11-6C-3D.1 to be allowed four (4) driveways on one (1) side of the common driveway for Lots 72-75, Block 12; or, remove one (1) lot in this location to comply with the standard. If alternative compliance is requested, the request shall be submitted concurrent with the final plat application.
 10. Prior to submittal of the final plat for City Engineer signature, a 14-foot wide public pedestrian easement shall be submitted to the Planning Division, approved by City Council and recorded for the multi-use pathway along the Williams Northwest gas pipeline and any other pathways required by the Park's Department in accord with the Pathways Master Plan that are outside of public right-of-way. Include the recorded instrument number of the easement(s) along with a depiction of the easement(s) on the final plat.
 - ~~11. All private streets constructed within the subdivision shall comply with the standards listed in UDC 11-3F-4. A separate application is required to be submitted for approval of private street(s) and shall be submitted concurrently with the final plat application. It was determined at the Council hearing that private streets are not desired or needed within this development. It was determined by City Council that private streets are not desired or needed for addressing purposes in Blocks 2 and 23.~~
 12. All waterways, except natural waterways, are required to be piped unless used as a water amenity or linear open space, in which case they may be left open as set forth in UDC 11-3A-6. City Council approved a waiver to this standard for the Farr Lateral to remain open and not be piped where it crosses this site.
 13. Off-street parking is required to be provided for all single-family residential units in accord with the standards for such listed in UDC Table 11-3C-6; and for non-residential uses in the commercial district in

accord with UDC 11-3C-6B. Bicycle parking is required for non-residential uses as set forth in UDC 11-3C-6G; bicycle parking facilities shall comply with the standards listed in UDC 11-3C-5C.

- ~~14. A 25-foot wide buffer to residential uses shall be provided with development of the commercial lots (i.e. Lots 1, 5 and 6, Block 23). The Applicant requests City Council approval of no buffer in this area on the C-zoned property with the provision of a 15-foot wide common mew on the residential portion, which will include landscaping and a sidewalk. If Council grants the request, a reduction to the buffer width shall not affect building setbacks; all structures shall be set back from the property line a minimum of the buffer width required in the applicable zoning district. As an alternative, Staff recommends residential lots/uses are removed from Block 23 and all of Block 23 is developed with commercial uses and zoned C-C. Edited and moved to the DA section above (i.e. #1.viii).~~
15. The existing structures on the site shall be removed prior to City Engineer signature on the final plat phase in which they are located.
16. Administrative design review shall be required for all single-family residential attached structures, future commercial structures on Lots 1-6, Block 23 and the swimming pool and associated structure in accord with the design standards in the Architectural Standards Manual.
- ~~17. All waterways, except natural waterways, intersecting, crossing or lying within the area being development are required to be piped unless used as a water amenity or linear open space, in which case they may be left open as set forth in UDC 11-3A-6. Delete duplicate condition (i.e. #12).~~
18. Permanent addresses cannot be assigned until Ada County has approved the proposed street names.
19. Directional address signage shall be provided at the entries to the private alleys in Blocks 2 and 23 for homes that don't have frontage on a public street; and address numbers shall be installed on the rear of homes so they're clearly visible from the alley, as required by the Fire Dept.
20. All alleys shall comply with the standards listed in UDC 11-6C-3B.5.

Other Agency comments may be accessed in the project file, included in the public record.

V. FINDINGS

A. Rezone (UDC 11-5B-3E)

Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;
The City Council finds the proposed map amendment and development plan complies with the applicable provisions of the Comprehensive Plan.
2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;
The City Council finds the proposed amendment complies with the regulations outlined for the proposed districts, including the purpose statement.
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;
The City Council finds the proposed map amendment should not be materially detrimental to the public health, safety and welfare.

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and

The City Council finds the proposed map amendment should not result in an adverse impact on the delivery of services by any political subdivision providing public services within the City including, but not limited to, school districts.

5. The annexation (as applicable) is in the best interest of city.

This finding is not applicable as the proposed request is for a rezone, not annexation.

B. Preliminary Plat (UDC-6B-6)

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings:

1. The plat is in conformance with the comprehensive plan and is consistent with this unified development code;

The City Council finds the proposed plat is in conformance with the Comprehensive Plan and will be consistent with the UDC if the Applicant complies with the above-noted conditions.

2. Public services are available or can be made available and are adequate to accommodate the proposed development;

The City Council finds public services are available to the site and will be adequate to accommodate the proposed development.

3. The plat is in conformance with scheduled public improvements in accord with the city's capital improvement program;

The City Council finds there are no scheduled public improvements adjacent to or on this site.

4. There is public financial capability of supporting services for the proposed development;

The City Council finds there is public financial capability of supporting services for the proposed development.

5. The development will not be detrimental to the public health, safety or general welfare; and

The City Council finds the proposed development will not be detrimental to the public health, safety or general welfare.

6. The development preserves significant natural, scenic or historic features.

The City Council is unaware of any significant natural, scenic or historic features that need to be preserved with this development.

VI. ACTION

A. Staff:

Staff recommends approval of the proposed MDA, RZ and PP requests with the provisions included above in Section IV. **Council should consider and take action on the waivers requested by the Applicant pertaining to block face and buffer to residential uses.**

B. Commission:

The Commission heard these items on September 5, 2024. At the public hearing, the Commission moved to approve the subject MDA request.

1. Summary of the Commission public hearing:

a. In favor: Amanda McNutt and Jon Wardle, Brighton Corp. (Applicant's Representatives)

b. In opposition: None

- c. Commenting: Julie Edwards, Melissa Fulkerson
 - d. Written testimony: Amanda McNutt, Brighton Corp. (Applicant's Representative – response to the staff report)
 - e. Staff presenting application: Sonya Allen
 - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
- a. Request from the neighbors on Mary Ln. for trees to be provided within the buffer along the south side of the Farr Lateral from approximately Locust Grove Rd. to Margaret Ln. for screening purposes. *The Applicant is amenable to providing trees in this location provided there is adequate area to do so outside of the Farr Lateral easement or through a license agreement with the Irrigation District.*
 - b. Opinion that people living in the residential units facing the commercial development in Block 23 would not want to look out their front windows into a parking lot.
3. Key issue(s) of discussion by the Commission:
- a. The requested waiver to block face standards in regard to both faces of Block 12 and the associated site constraints.
 - b. The requested reduction of the buffer to residential uses on the commercial property in Block 23 and proposed design with the parking lot for the commercial uses abutting the residential property – generally not in favor of the proposed design.
 - c. Concern pertaining to addressing for the lots that have frontage on a public street and are accessed off a named private street and confusion that may occur for emergency responders.
4. Commission changes to the Staff recommendation:
- a. At the recommendation of Staff, the Commission approved the Applicant's request to remove the requirement for 10-foot wide detached sidewalks to be provided along all collector streets in lieu of on-street bicycle lanes consistent with the 5-foot wide sidewalks constructed in the adjoining Apex developments (only 5-foot wide detached sidewalks are required by the UDC); modification to the condition (#A.3) requiring a revised landscape plan to be submitted to add that it shall be required with submittal of the final plat application; and modification to the condition (#A.9) requiring alternative compliance to the common driveway standards to allow (4) lots on one side of the driveway in Block 12 to be submitted with the final plat application *if requested.*
5. Outstanding issue(s) for City Council:
- a. The Applicant requests deletion of the requirement for a north-south public street to be provided between the residential and the commercial lots in Block 23.
 - b. The Applicant requests deletion of the requirement for the revision to the lot layout in Block 2 to comply with ACHD's requirements for public alleys, which was required so that the lots only have frontage on one named street rather than two.
 - c. The Applicant requests deletion of the requirement for a sidewalk to be provided on the north side of West Precipice Drive; this is a UDC standard that can't be waived.
 - d. The Applicant requests a waiver from Council to exceed the maximum block face allowed for Block 12 along W. Precipice Dr. and W. Vertex Dr. due to the site constraints described above in Section III.E.6.
 - e. The Applicant requests a waiver from Council to *not* provide a 25-foot wide buffer in the C-C district on Lots 1, 5 and 6, Block 23 to the abutting residential uses along the west boundary with the provision of a 15-foot wide common area mew on the residential property, which will include landscaping and a sidewalk. *As an alternative, Staff recommends residential lots/uses are removed from Block 23 and all of Block 23 is developed with commercial uses.*

C. City Council:

The Meridian City Council heard these items on October 8, 2024. At the public hearing, the Council moved to approve the subject MDA, RZ and PP requests with the provisions noted in Section IV above.

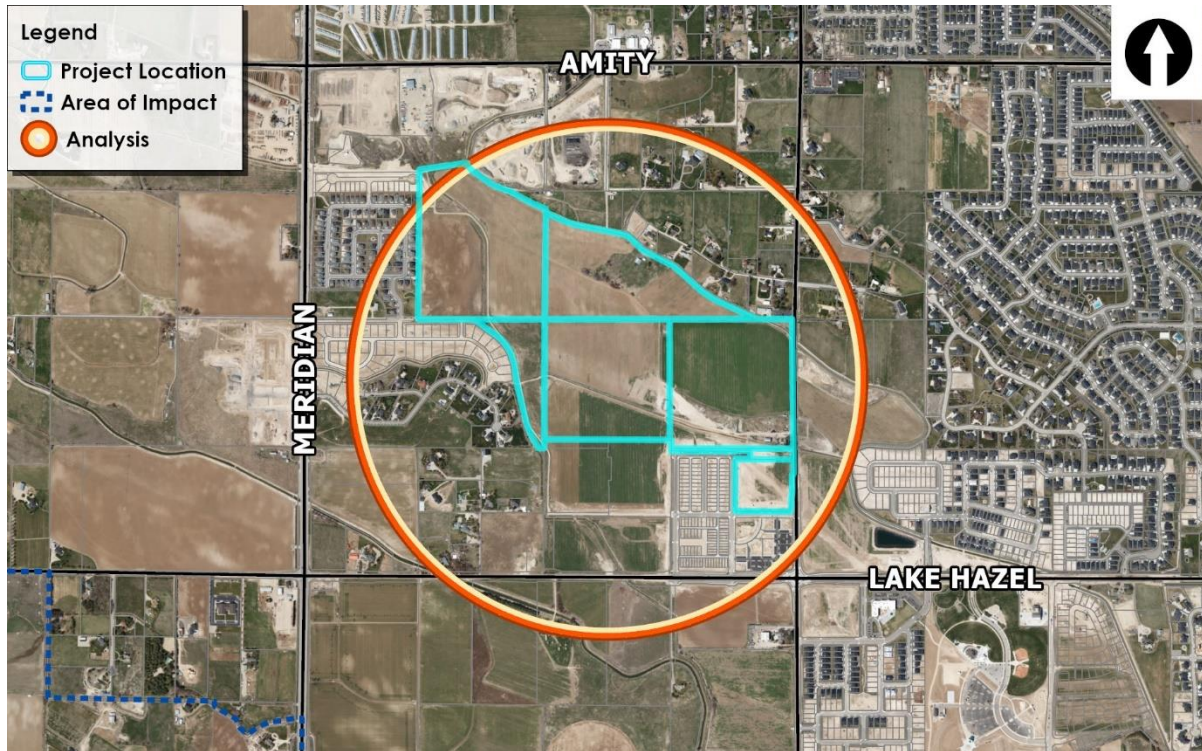
1. Summary of the City Council public hearing:
 - a. In favor: Jon Wardle, Brighton Corporation (Applicant)
 - b. In opposition: None
 - c. Commenting: Carsten White
 - d. Written testimony: Jon Wardle, Brighton Corporation (Applicant)
 - e. Staff presenting application: Sonya Allen
 - f. Other Staff commenting on application: Bill Parsons
2. Key issue(s) of public testimony:
 - a. Concern pertaining to adequacy of parking for the development with small lots and limited on-street parking, especially for Block 23. Preference for all commercial uses in Block 23.
3. Key issue(s) of discussion by City Council:
 - a. The design and layout of Block 23 and the request for waiver of the 25' buffer to residential uses on the C-C zoned property in favor of providing a common area mew on the residential property as a buffer.
 - b. The UDC requirement for the provision of a sidewalk along the north side of the street along the Farr Lateral and possible future UDC amendment to allow a waiver of such under certain circumstances.
 - c. The zoning (C-N vs. C-C) and uses allowed on the commercial portion of the property and compatibility of such uses with adjacent residential uses; associated restrictions on the hours of operation of commercial uses adjacent to residential uses; limiting uses in the C-C district to those allowed in the C-N district in order to allow extended hours of operation but not allow more intense uses which might not be compatible with adjacent residential uses.
 - d. The Applicant's request for a waiver to the maximum block face standards for both sides of Block 12 due to site constraints.
 - e. Shared parking on the commercial property for the adjacent residential uses.
 - f. The Applicant's request for a waiver to allow the Farr Lateral to remain open where it crosses the site and not pipe it and whether or not to require fencing for public safety.
4. City Council change(s) to Commission recommendation:
 - a. Council granted a waiver to allow the Farr Lateral to remain open where it crosses this site and not be piped; required open vision fencing along the entire length of the Farr Lateral adjacent to the northeast boundary of the site for public safety; granted a waiver to the block face standards for both faces of Block 12 due to the site constraints demonstrated by the Applicant; required a sidewalk along the northeast boundary of the site adjacent to the Farr Lateral based on current code but included a caveat that the sidewalk may not be required with the final plat if an amendment to code is approved that would allow for a waiver; required open vision fencing along the entire length of the Farr Lateral adjacent to the northeast boundary of the site; granted the Applicant's request for a waiver to the 25' wide buffer to residential uses on the C-C zoned property with the provision of a minimum 17' wide common area mew on the residential property with the allowance for a decrease in the length of the abutting parking spaces from 19- to 17-feet; requirement for an easement on the C-C zoned property to allow the adjacent residential uses to use the commercial parking lot; and restricted uses through the DA on the C-C zoned property to only those uses allowed in the C-N zoning district.

VII. EXHIBITS

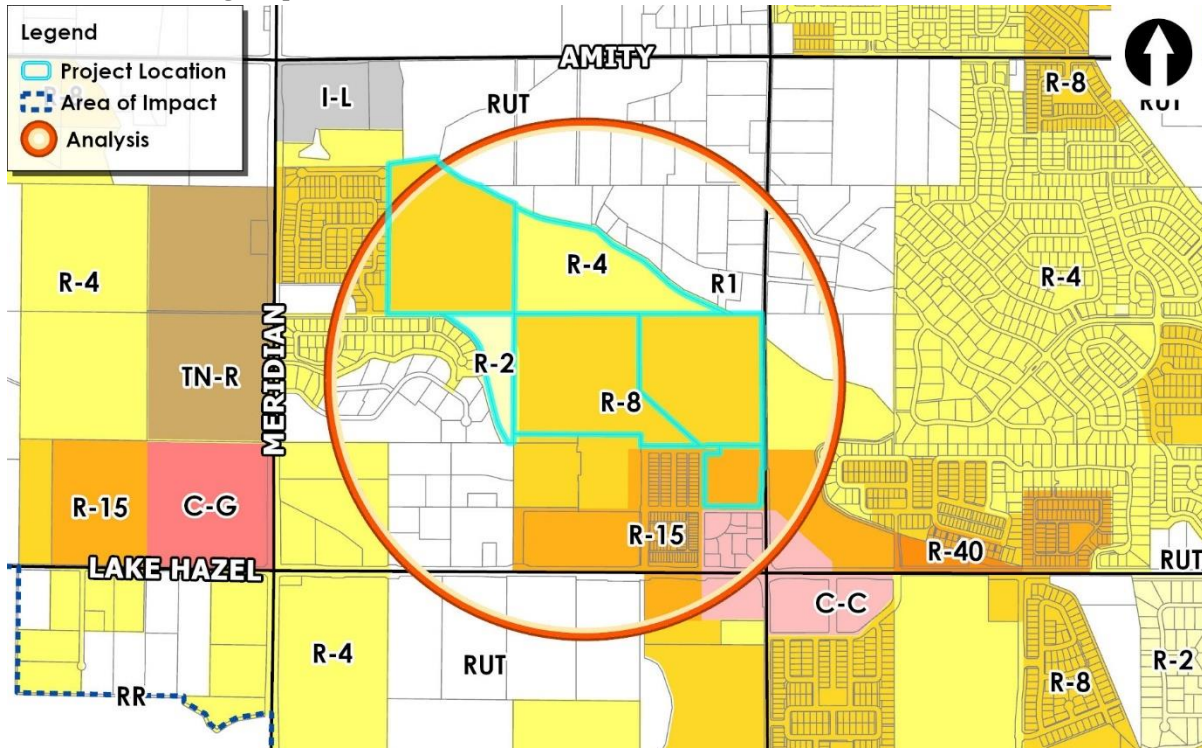
A. Project Area Maps

(link to [Project Overview](#))

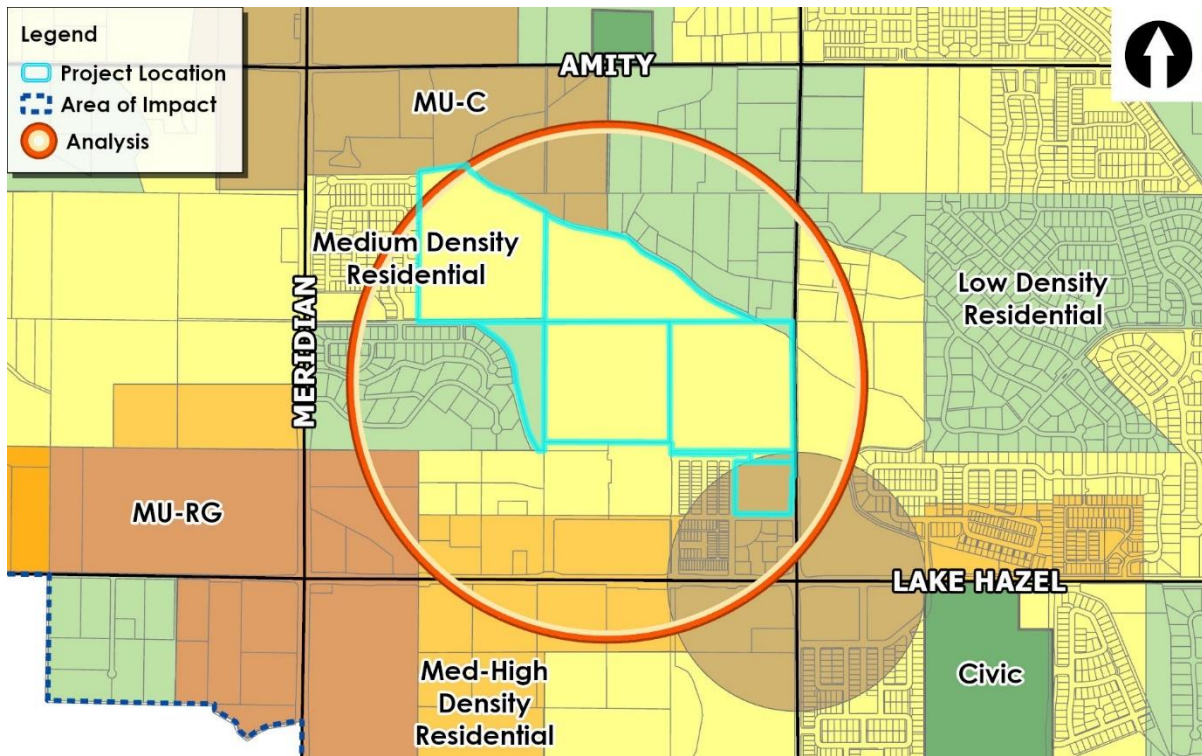
1. Aerial



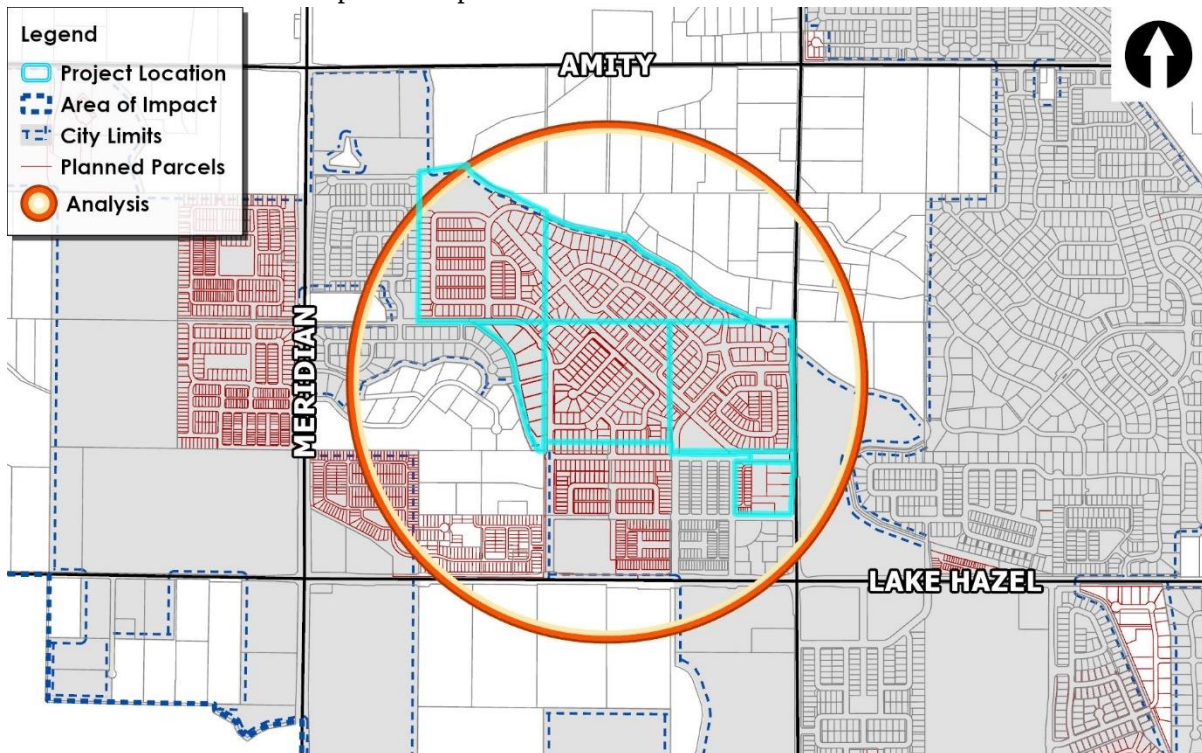
2. Zoning Map



3. Future Land Use



4. Planned Development Map



B. Service Accessibility Report

PARCEL S1131427850 SERVICE ACCESSIBILITY

Overall Score: 18	7th Percentile
--------------------------	-----------------------

Criteria	Description	Indicator
Location	In City Limits	GREEN
Extension Sewer	Trunkshed mains < 500 ft. from parcel	GREEN
Floodplain	Either not within the 100 yr floodplain or > 2 acres	GREEN
Emergency Services Fire	Response time > 9 min.	RED
Emergency Services Police	Meets response time goals some of the time	YELLOW
Pathways	Within 1/4 mile of current pathways	GREEN
Transit	Not within 1/4 of current or future transit route	RED
Arterial Road Buildout Status	Ultimate configuration (# of lanes in master streets plan) > existing (# of lanes) & road IS in 5 yr work plan	YELLOW
School Walking Proximity	From 1/2 to 1 mile walking	YELLOW
School Drivability	Not within 2 miles driving of existing or future school	RED
Park Walkability	Either a Regional Park within 1 mile OR a Community Park within 1/2 mile OR a Neighborhood Park within 1/4 mile walking	GREEN

Report generated on 08-29-2024 by MERIDIAN\sallen

C. Legal Description & Exhibit Map for Boundary of Proposed New Development Agreement



June 24, 2024
Apex Subdivision
Project No. 21-248

Exhibit A Legal Description for Development Agreement Modification (Apex Farr Subdivision)

A parcel of land situated in a portion of Section 31, Township 3 North, Range 1 East, B.M., City of Meridian, Ada County, Idaho, and being more particularly described as follows:

Commencing at an aluminum cap marking the southeast corner of said Section 31, which bears S00°32'22"E a distance of 2,700.07 feet from a brass cap marking the east 1/4 corner of said Section 31, thence following the easterly line of the Southeast 1/4 of Section 31, N00°32'22"W a distance of 693.57 feet;

Thence leaving said easterly line, N89°42'21"W a distance of 67.25 feet to a 5/8-inch rebar on the subdivision boundary of Apex Northwest Subdivision No. 1 (Book 124, Pages 19693-19698, records of Ada County, Idaho) and being the **POINT OF BEGINNING**.

Thence following the subdivision boundary of said Apex Northwest Subdivision No.1 the following three (3) courses:

1. N89°42'21"W a distance of 563.32 feet to a 5/8-inch rebar;
2. N39°31'00"W a distance of 11.71 feet to a 5/8-inch rebar;
3. N89°43'08"W a distance of 1.50 feet to a 5/8-inch rebar on the subdivision boundary of Apex Northwest Subdivision No. 2 (Book 124, Pages 19844- 19847, records of Ada County, Idaho);

Thence leaving said subdivision boundary of Apex Northwest Subdivision No. 1 and following said subdivision boundary of Apex Northwest Subdivision No. 2 the following seven (7) courses:

1. N00°16'52"E a distance of 528.00 feet to a 5/8-inch rebar;
2. 14.14 feet along the arc of a circular curve to the right, said curve having a radius of 9.00 feet, a delta angle of 90°00'47", a chord bearing of N45°17'16"E and a chord distance of 12.73 feet to a 5/8-inch rebar;
3. S89°42'21"E a distance of 146.58 feet to a 5/8-inch rebar;
4. N00°17'39"E a distance of 87.50 feet to a 5/8-inch rebar;
5. N89°42'21"W a distance of 130.00 feet to a 5/8-inch rebar;
6. S70°21'17"W a distance of 24.92 feet to a 5/8-inch rebar;
7. N89°42'21"W a distance of 47.64 feet;

Thence leaving said subdivision boundary of Apex Northwest Subdivision No. 2, N47°56'33"W a distance of 251.11 feet;

Thence N48°54'58"W a distance of 47.18 feet;

Thence N47°51'19"W a distance of 1,638.44 feet;

Thence S42°08'41"W a distance of 461.91 feet;

Thence 50.41 feet along the arc of a circular curve to the right, said curve having a radius of 60.00 feet, a delta angle of 48°08'12", a chord bearing of S66°12'47"W and a chord distance of 48.94 feet;

Thence N89°43'08"W a distance of 40.82 feet;

Thence N44°07'12"W a distance of 21.37 feet;

Thence 198.52 feet along the arc of a circular curve to the left, said curve having a radius of 311.50 feet, a delta angle of 36°30'56", a chord bearing of N22°16'05"W and a chord distance of 195.18 feet;

Thence N40°31'33"W a distance of 241.33 feet;

5725 North Discovery Way • Boise, Idaho 83713 • 208.639.6939 • kmengllp.com

Thence 226.01 feet along the arc of a circular curve to the left, said curve having a radius of 261.50 feet, a delta angle of 49°31'13", a chord bearing of N65°17'09"W and a chord distance of 219.04 feet;

Thence S89°57'15"W a distance of 450.61 feet;

Thence S00°02'45"E a distance of 31.50 feet to the southerly line of the Southeast 1/4 of the Northwest 1/4 of Section 13;

Thence following said southerly line, S89°57'15"W a distance of 529.87 feet to a 5/8-inch rebar marking Center-West 1/16 corner of said Section 31 (also being the southeast corner of Prevail Subdivision No. 1, Book 120, Pages 18715-18719, records of Ada County, Idaho);

Thence leaving said southerly line and following the westerly line of said Southeast 1/4 of the Northwest 1/4, N00°31'11"E a distance of 1,326.96 feet to a 5/8-inch rebar marking the Northwest 1/16 corner of said Section 31 (also being the northeast corner of Prevail Subdivision No. 2, Book 121, Pages 19054-19057, records of Ada County, Idaho and being the southeast corner of Prevail Subdivision No. 3, Book 126, Pages 20182-20184, records of Ada County, Idaho);

Thence leaving said westerly line of the Southeast 1/4 of the Northwest 1/4 and following the westerly line of the Northeast 1/4 of the Northwest 1/4 of said Section 31, N00°20'36"E a distance of 206.98 feet to the northeast corner of said Prevail Subdivision No. 3;

Thence following said westerly line, N00°20'36"E a distance of 24.96 feet;

Thence leaving said westerly line, N81°55'55"E a distance of 531.16 feet to a 5/8-inch rebar;

Thence S25°53'19"W a distance of 7.65 feet to a 5/8-inch rebar;

Thence S82°35'12"W a distance of 8.19 feet to a 5/8-inch rebar on the northeasterly bank of the Farr Lateral;

Thence following said northeasterly bank the following five (5) courses:

1. 48.99 feet along the arc of a curve to the left, said curve having a radius of 58.00 feet, a delta angle of 48°23'56", a chord bearing of S22°46'16"E and a chord distance of 47.55 feet to a 5/8-inch rebar;
2. S46°58'07"E a distance of 45.40 feet to a 5/8-inch rebar;
3. S54°23'34"E a distance of 180.18 feet to a 5/8-inch rebar;
4. 161.54 feet along the arc of a curve to the left, said curve having a radius of 588.00 feet, a delta angle of 15°44'26", a chord bearing of S62°15'47"E and a chord distance of 161.03 feet to a 5/8-inch rebar;
5. Thence S70°14'40"E a distance of 112.44 feet to a 5/8-inch rebar on the northerly line of said Southeast 1/4 of the Northwest 1/4 of Section 31;

Thence leaving said northeasterly bank and said northerly line, S19°57'31"W a distance of 12.12 feet to the centerline of said Farr Lateral;

Thence following said centerline the following three (3) courses:

1. S70°07'29"E a distance of 9.75 feet;
2. S62°02'58"E a distance of 207.13 feet;
3. S65°37'43"E a distance of 186.17 feet to the easterly line of said Southeast 1/4 of the Northwest 1/4;

Thence leaving said centerline and following said easterly line, S00°38'17"W a distance of 30.20 feet to a point on a line being parallel to and 25-ft southwesterly of the centerline of said Farr Lateral;

Thence following said line the following fourteen (14) courses:

1. S63°55'51"E a distance of 137.97 feet;
2. S67°14'14"E a distance of 113.95 feet to a 1/2-inch rebar;
3. S72°17'39"E a distance of 87.22 feet to a 1/2-inch rebar;
4. S78°53'58"E a distance of 439.81 feet to a 1/2-inch rebar;
5. S75°55'10"E a distance of 99.84 feet;

6. S61°21'11"E a distance of 24.44 feet;
7. S46°09'47"E a distance of 188.67 feet;
8. S55°48'16"E a distance of 45.29 feet to a 1/2-inch rebar;
9. S62°37'05"E a distance of 331.41 feet to a 1/2-inch rebar;
10. S49°07'00"E a distance of 149.42 feet to a 1/2-inch rebar;
11. S47°33'25"E a distance of 228.36 feet;
12. S54°34'10"E a distance of 104.95 feet;
13. S59°52'47"E a distance of 94.86 feet;
14. S65°32'37"E a distance of 460.70 feet to a point on the northerly line of the Southeast 1/4 of said Section 31;

Thence leaving said line and following said northerly line, N89°57'56"E a distance of 390.76 feet to a brass cap marking the east 1/4 corner of said Section 31;

Thence leaving said northerly line and following the easterly line of said Southeast 1/4, S00°32'22"E a distance of 1,372.93 feet;

Thence leaving said easterly line, N89°42'21"W a distance of 63.22 feet to a point on the westerly right-of-way line of S. Locust Grove Rd.;

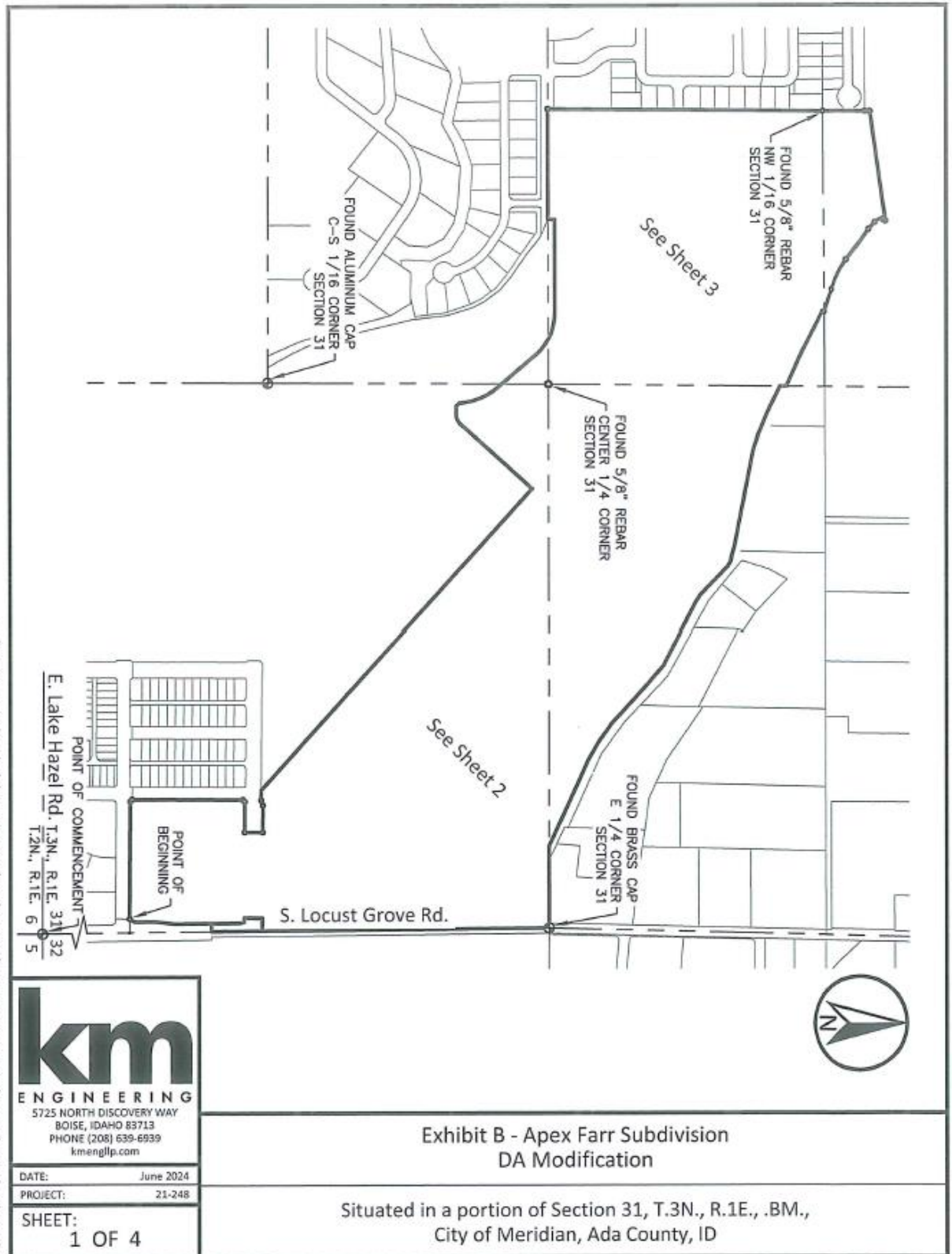
Thence following said westerly right-of-way line the following nine (9) courses:

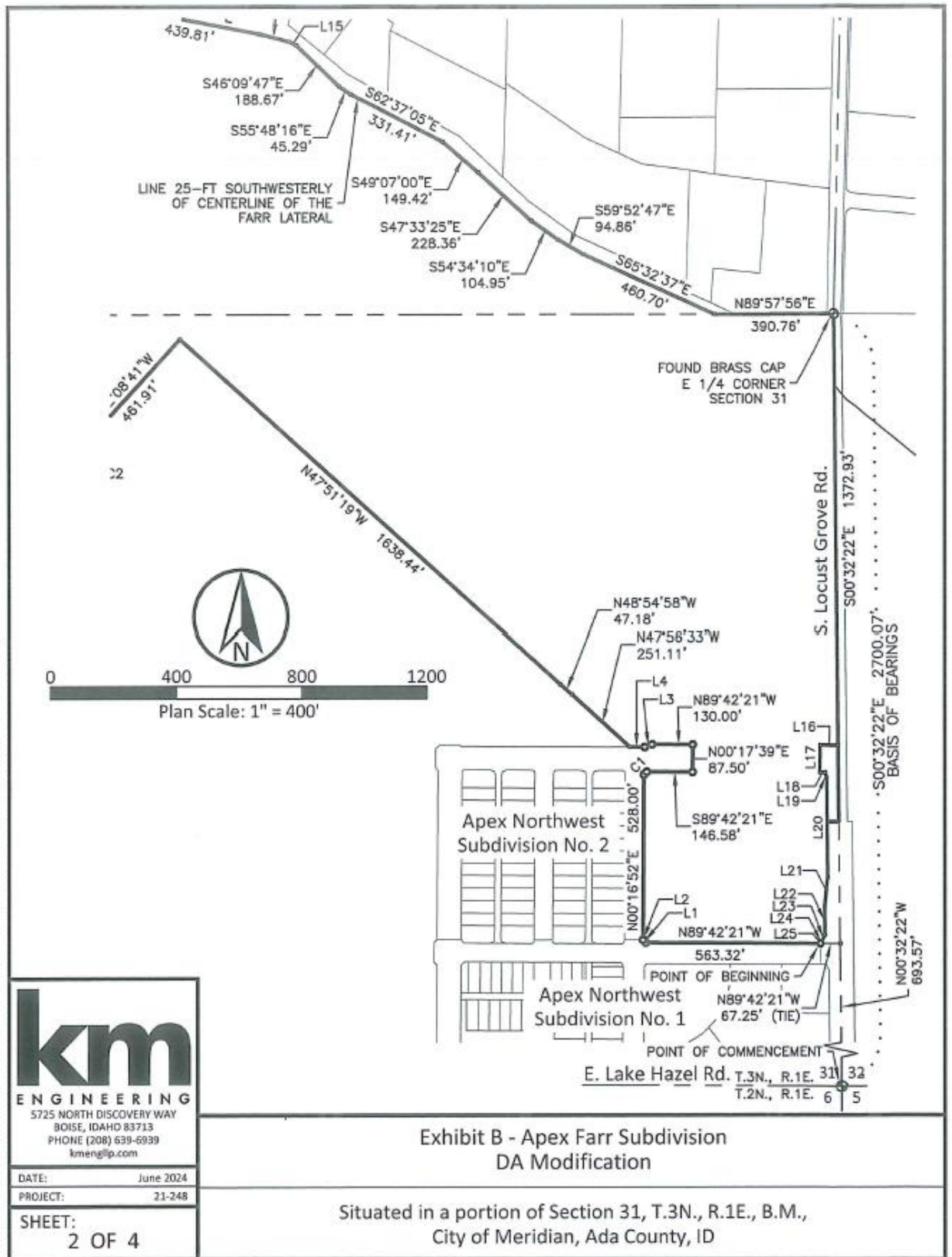
1. S00°17'39"W a distance of 87.50 feet;
2. S89°42'21"E a distance of 18.14 feet;
3. S21°07'21"E a distance of 18.06 feet;
4. S00°32'22"E a distance of 317.11 feet;
5. S06°45'44"W a distance of 94.42 feet;
6. S00°32'22"E a distance of 91.20 feet;
7. S24°46'04"W a distance of 28.13 feet;
8. N89°42'21"W a distance of 3.19 feet;
1. S00°17'39"W a distance of 1.50 feet to the **POINT OF BEGINNING**.

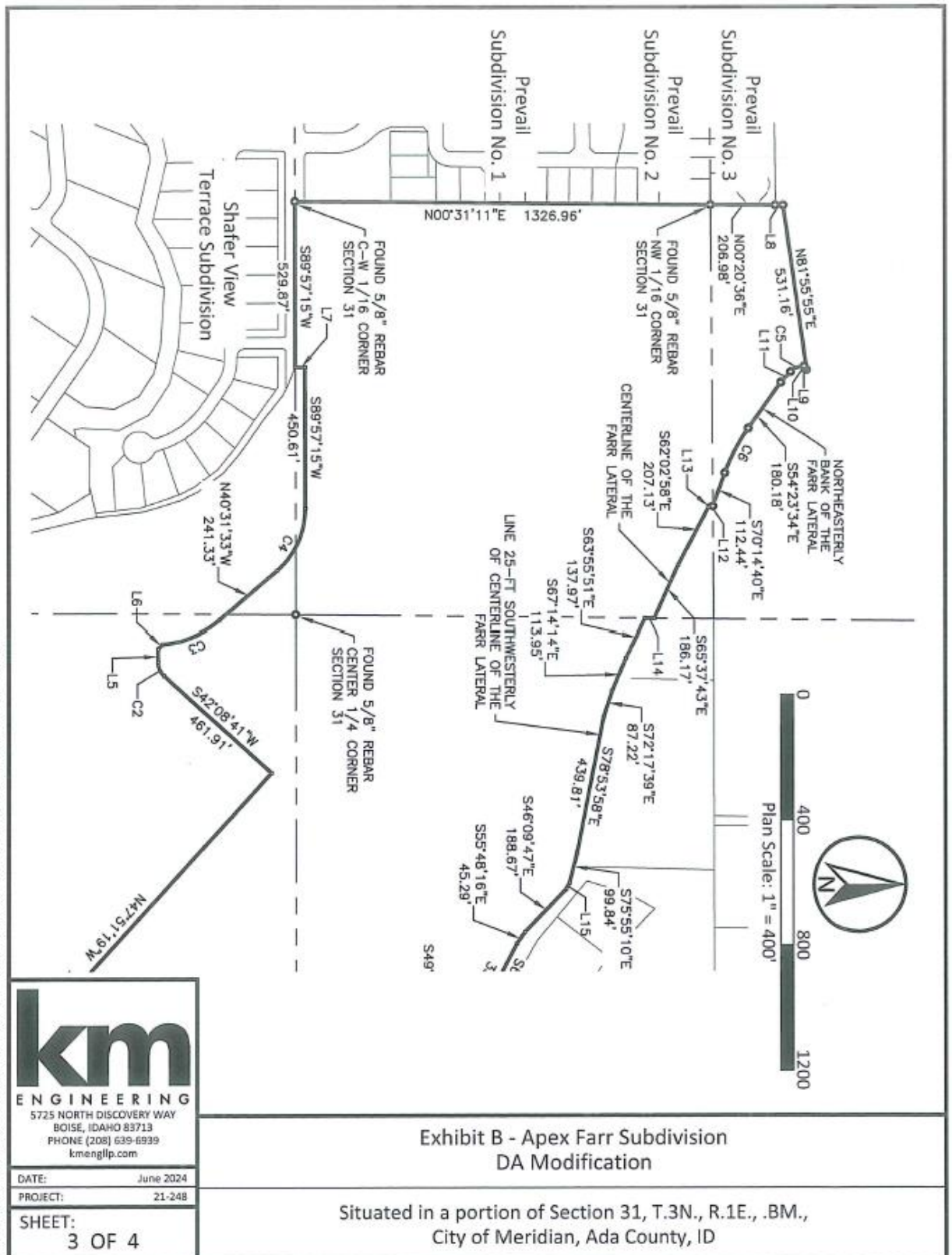
Said description contains a total of 131.89 acres, more or less.

Attached hereto is Exhibit B and by this reference is made a part hereof.









5725 NORTH DISCOVERY WAY
BOISE, IDAHO 83713
PHONE (208) 639-6939
kmengllp.com

DATE: June 2024

PROJECT: 21-248

SHEET: 3 OF 4

Exhibit B - Apex Farr Subdivision
DA Modification

Situated in a portion of Section 31, T.3N., R.1E., .BM.,
City of Meridian, Ada County, ID

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N39°31'00"W	11.71'
L2	N89°43'08"W	1.50'
L3	S70°21'17"W	24.92'
L4	N89°42'21"W	47.64'
L5	N89°43'08"W	40.82'
L6	N44°07'12"W	21.37'
L7	S00°02'45"E	31.50'
L8	N00°20'36"E	24.96'
L9	S25°53'19"W	7.65'
L10	S82°35'12"W	8.19'
L11	S46°58'07"E	45.40'
L12	S19°52'31"W	12.12'
L13	S70°07'29"E	9.75'

LINE TABLE		
LINE	BEARING	DISTANCE
L14	S00°38'17"W	30.20'
L15	S61°21'11"E	24.44'
L16	N89°42'21"W	63.22'
L17	S00°17'39"W	87.50'
L18	S89°42'21"E	18.14'
L19	S21°07'21"E	18.06'
L21	S06°45'44"W	94.42'
L22	S00°32'22"E	91.20'
L23	S24°46'04"W	28.13'
L24	N89°42'21"W	3.19'
L25	S00°17'39"W	1.50'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C1	9.00'	14.14'	90°00'47"	N45°17'16"E	12.73'
C2	60.00'	50.41'	48°08'12"	S66°12'47"W	48.94'
C3	311.50'	198.52'	36°30'56"	N22°16'05"W	195.18'
C4	261.50'	226.01'	49°31'13"	N65°17'09"W	219.04'
C5	58.00'	48.99'	48°23'56"	S22°46'16"E	47.55'
C6	588.00'	161.54'	15°44'26"	S62°15'47"E	161.03'



DATE: June 2024
PROJECT: 21-248
SHEET: 4 OF 4

Exhibit B - Apex Farr Subdivision DA Modification

Situated in a portion of Section 31, T.3N., R.1E., B.M.,
City of Meridian, Ada County, ID

D. Rezone Legal Descriptions & Exhibit Maps - REVISED



9233 WEST STATE STREET | BOISE, ID 83714 | 208.639.6939 | FAX 208.639.6930

April 30, 2024
Project No. 21-248

Exhibit A
Legal Description for
Rezone to R-8
Apex Farr Subdivision

A parcel of land being a portion of Lot 1, Block 5 of Shafer View Terrace Subdivision (Book 128, Pages 20722-20730, records of Ada County, Idaho) and further situated in the Northeast 1/4 of the Southwest 1/4 of Section 31, Township 3 North, Range 1 East, B.M., City of Meridian, Ada County, Idaho and being more particularly described as follows:

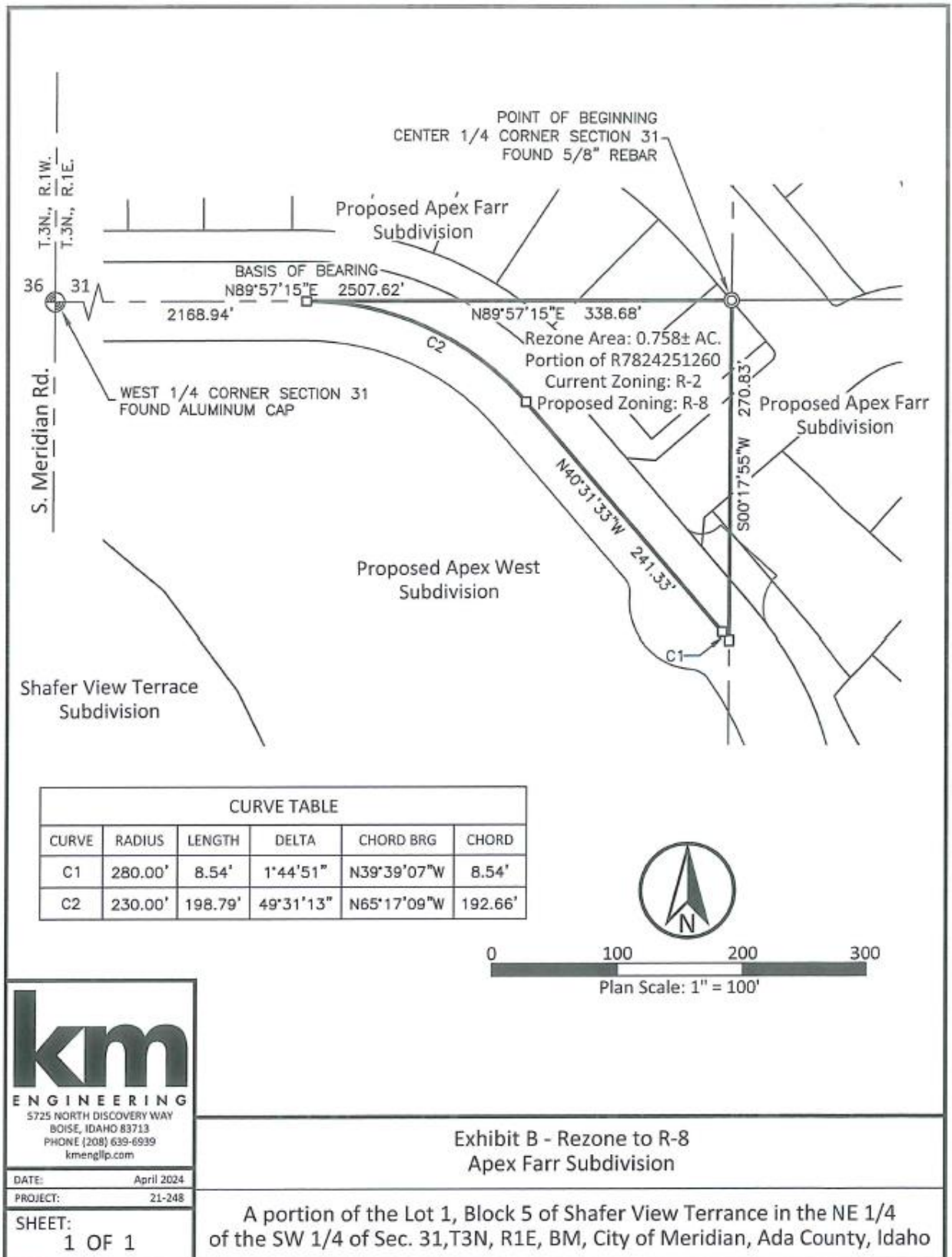
BEGINNING at a 5/8-inch rebar marking the Center 1/4 corner of said Section 31, which bears N89°57'15"E a distance of 2,507.62 feet from an aluminum cap marking the West 1/4 corner of said Section 31, thence following the easterly line of said Southwest 1/4, S00°17'55"W a distance of 270.83 feet;
Thence leaving said easterly line, 8.54 feet along the arc of a circular curve to the left, said curve having a radius of 280.00 feet, a delta angle of 01°44'51", a chord bearing of N39°39'07"W and a chord distance of 8.54 feet;
Thence N40°31'33"W a distance of 241.33 feet;
Thence 198.79 feet along the arc of a circular curve to the left, said curve having a radius of 230.00 feet, a delta angle of 49°31'13, a chord bearing of N65°17'09"W and a chord distance of 192.66 feet to a point on the northerly line of said Southwest 1/4;
Thence following said northerly line, N89°57'15"E a distance of 338.68 feet to the **POINT OF BEGINNING**.

Said parcel contains a total of 0.758 acres, more or less.

Attached hereto is Exhibit B and by this reference is hereby made a part of.



ENGINEERS | SURVEYORS | PLANNERS





9233 WEST STATE STREET | BOISE, ID 83714 | 208.639.6939 | FAX 208.639.6930

October 15, 2024
Project No. 21-248

**Exhibit A
Legal Description for
Rezone to C-C
Apex Subdivision**

A parcel of land situated in a portion of the Southeast 1/4 of the Southeast 1/4 of Section 31, Township 3 North, Range 1 East, B.M., City of Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at an aluminum cap marking the southeast corner of said Section 31, which bears S00°32'22"E a distance of 2,700.07 feet from a brass cap marking the east 1/4 corner of said Section 31, thence following the easterly line of the Southeast 1/4 of Section 31, N00°32'22"W a distance of 660.07 feet to the **POINT OF BEGINNING**.

Thence leaving said easterly line, N89°42'21"W a distance of 453.05 feet;

Thence N00°16'52"E a distance of 623.25 feet;

Thence S89°42'21"E a distance of 444.12 feet to said easterly line of the Southeast 1/4;

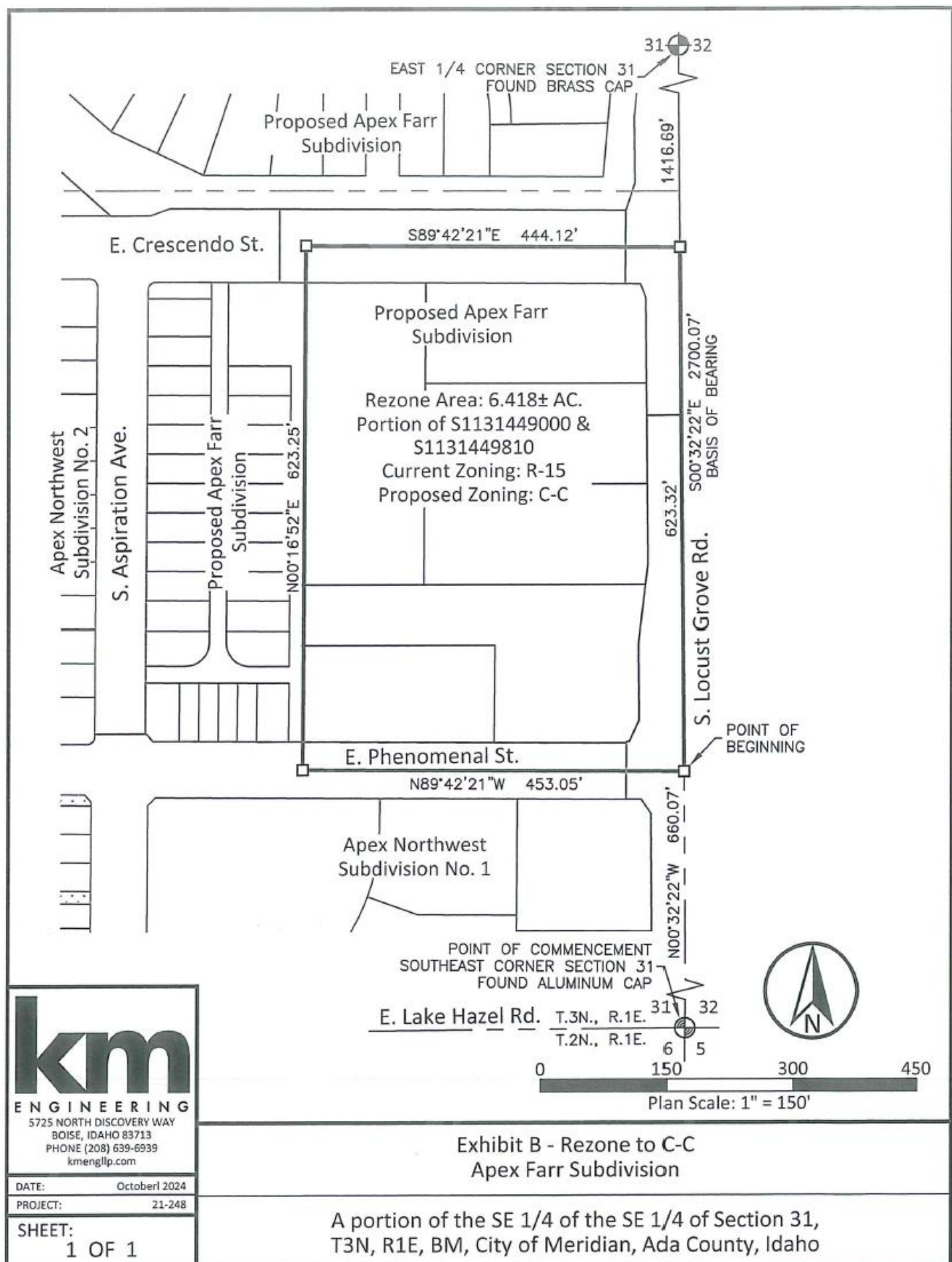
Thence following said easterly line, S00°32'22"E a distance of 623.32 feet to the **POINT OF BEGINNING**.

Said parcel contains a total of 6.418 acres, more or less.

Attached hereto is Exhibit B and by this reference is hereby made a part of.



ENGINEERS | SURVEYORS | PLANNERS



km
 ENGINEERING
 5725 NORTH DISCOVERY WAY
 BOISE, IDAHO 83713
 PHONE (208) 639-6939
 kmengllp.com

DATE: October 1 2024
 PROJECT: 21-248
 SHEET: 1 OF 1

**Exhibit B - Rezone to C-C
 Apex Farr Subdivision**

A portion of the SE 1/4 of the SE 1/4 of Section 31,
 T3N, R1E, BM, City of Meridian, Ada County, Idaho



9233 WEST STATE STREET | BOISE, ID 83714 | 208.639.6939 | FAX 208.639.6930

April 29, 2024
Project No. 21-248

Exhibit A
Legal Description for
Rezone to R-8
Apex Farr Subdivision

A parcel of land situated in a portion of the South 1/2 of the Northeast 1/4 of Section 31, Township 3 North, Range 1 East, B.M., City of Meridian, Ada County, Idaho and being more particularly described as follows:

BEGINNING at a 5/8-inch rebar marking the Center 1/4 corner of said Section 31, which bears S89°57'56"W a distance of 2,601.37 feet from a brass cap marking the East 1/4 corner of said Section 31, thence following the westerly line of said Northeast 1/4, N00°38'17"E a distance of 1,112.96 feet to a point on a line being parallel to and 25-ft southwesterly of the centerline of said Farr Lateral; Thence leaving said westerly line and following said line parallel to the Farr Lateral the following fourteen (14) courses:

1. S63°55'51"E a distance of 137.97 feet;
2. S67°14'14"E a distance of 113.95 feet to a 1/2-inch rebar;
3. S72°17'39"E a distance of 87.22 feet to a 1/2-inch rebar;
4. S78°53'58"E a distance of 439.81 feet to a 1/2-inch rebar;
5. S75°55'10"E a distance of 99.84 feet;
6. S61°21'11"E a distance of 24.44 feet;
7. S46°09'47"E a distance of 188.67 feet;
8. S55°48'16"E a distance of 45.29 feet to a 1/2-inch rebar;
9. S62°37'05"E a distance of 331.41 feet to a 1/2-inch rebar;
10. S49°07'00"E a distance of 149.42 feet to a 1/2-inch rebar;
11. S47°33'25"E a distance of 228.36 feet;
12. S54°34'10"E a distance of 104.95 feet;
13. S59°52'47"E a distance of 94.86 feet;
14. S65°32'37"E a distance of 460.70 feet to a point on the southerly line of said Northeast 1/4;

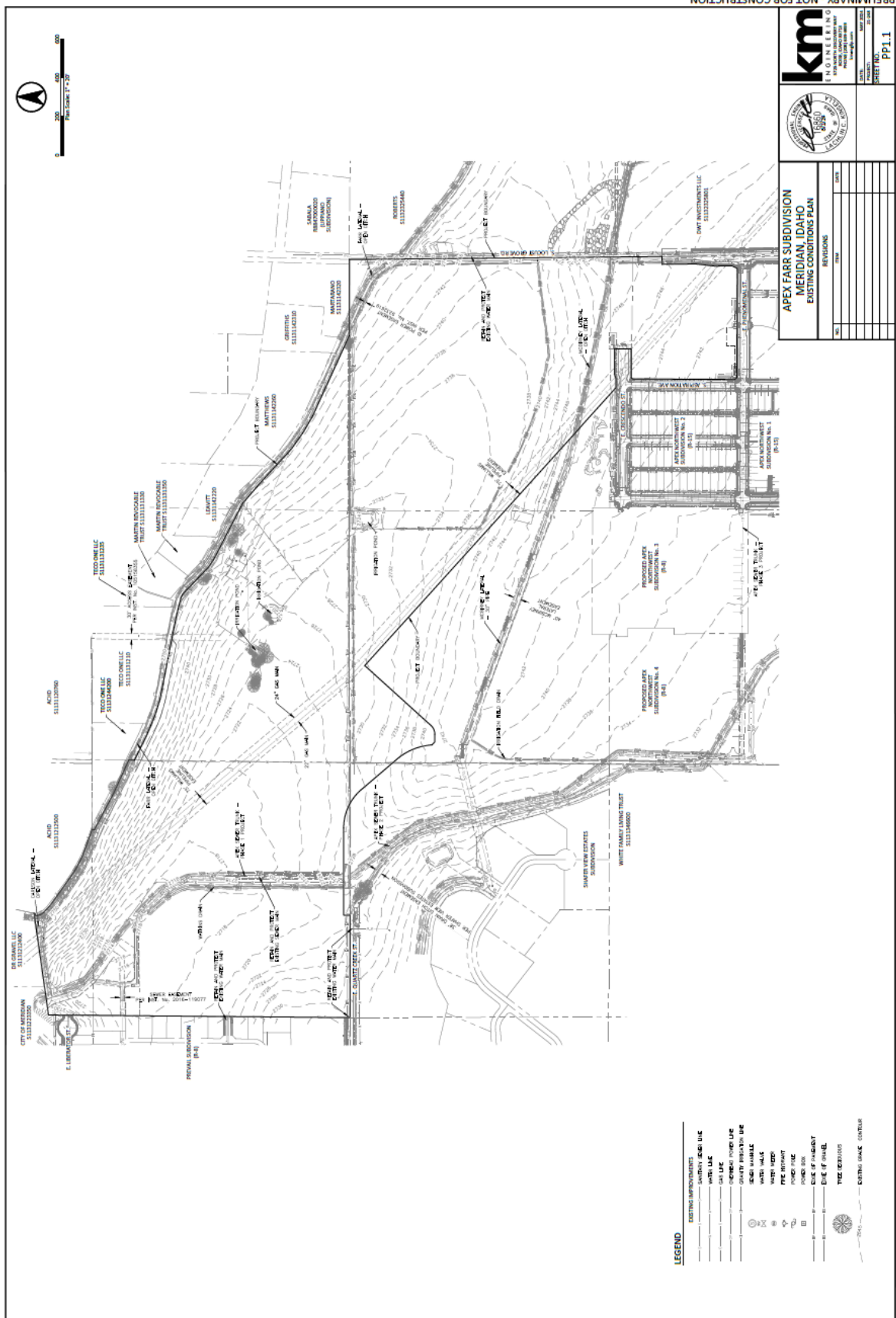
Thence leaving said line and following said southerly line, S89°57'56"W a distance of 2,210.61 feet to the **POINT OF BEGINNING**.

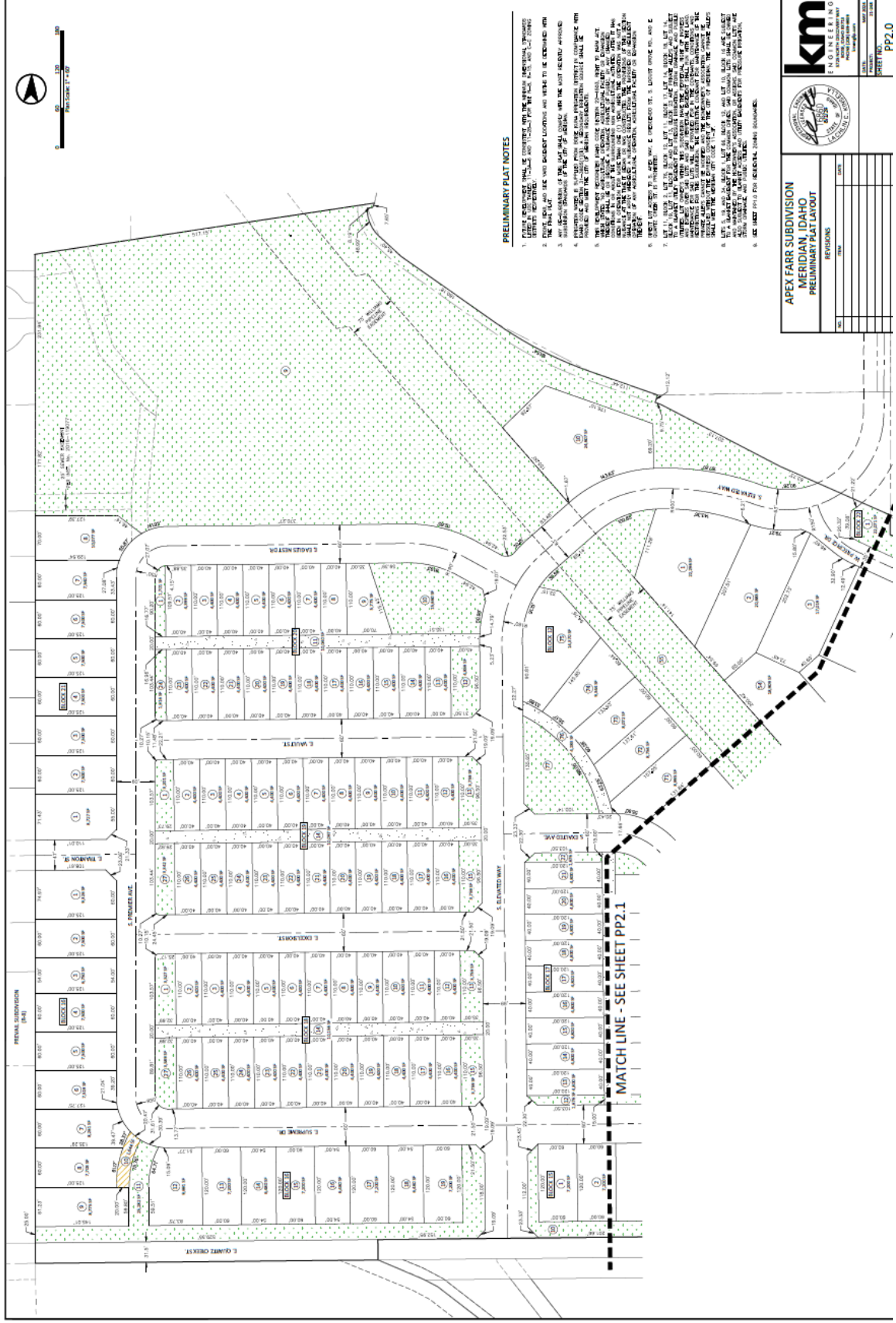
Said parcel contains a total of 31.272 acres, more or less.

Attached hereto is Exhibit B and by this reference is hereby made a part of.



ENGINEERS | SURVEYORS | PLANNERS





PRELIMINARY PLAT NOTES

1. PLAT RECORDS SHALL BE CONTAINED WITH THE PLAT INSTRUMENT, TRANSMITS TO THE RECORDING OFFICE AND SHALL BE MAINTAINED BY THE RECORDING OFFICE.
2. THE PLAT SHALL BE THE ONLY SOURCE OF INFORMATION FOR THE RECORDING OFFICE.
3. THE RECORDING OFFICE SHALL BE THE ONLY SOURCE OF INFORMATION FOR THE RECORDING OFFICE.
4. THE RECORDING OFFICE SHALL BE THE ONLY SOURCE OF INFORMATION FOR THE RECORDING OFFICE.
5. THE RECORDING OFFICE SHALL BE THE ONLY SOURCE OF INFORMATION FOR THE RECORDING OFFICE.
6. THE RECORDING OFFICE SHALL BE THE ONLY SOURCE OF INFORMATION FOR THE RECORDING OFFICE.
7. THE RECORDING OFFICE SHALL BE THE ONLY SOURCE OF INFORMATION FOR THE RECORDING OFFICE.
8. THE RECORDING OFFICE SHALL BE THE ONLY SOURCE OF INFORMATION FOR THE RECORDING OFFICE.
9. THE RECORDING OFFICE SHALL BE THE ONLY SOURCE OF INFORMATION FOR THE RECORDING OFFICE.
10. THE RECORDING OFFICE SHALL BE THE ONLY SOURCE OF INFORMATION FOR THE RECORDING OFFICE.

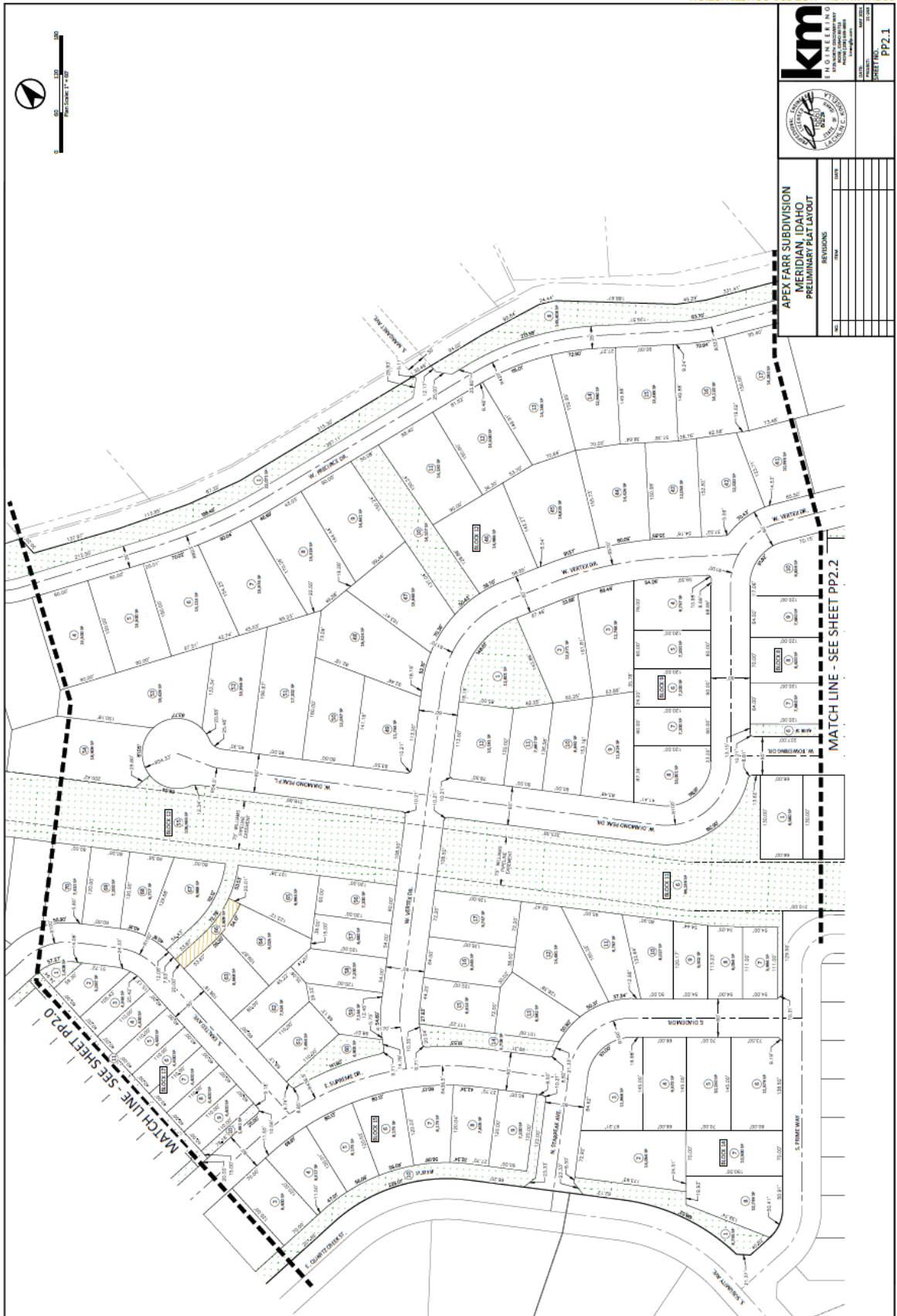
APEX FARR SUBDIVISION
MERIDIAN, IDAHO
PRELIMINARY PLAT LAYOUT

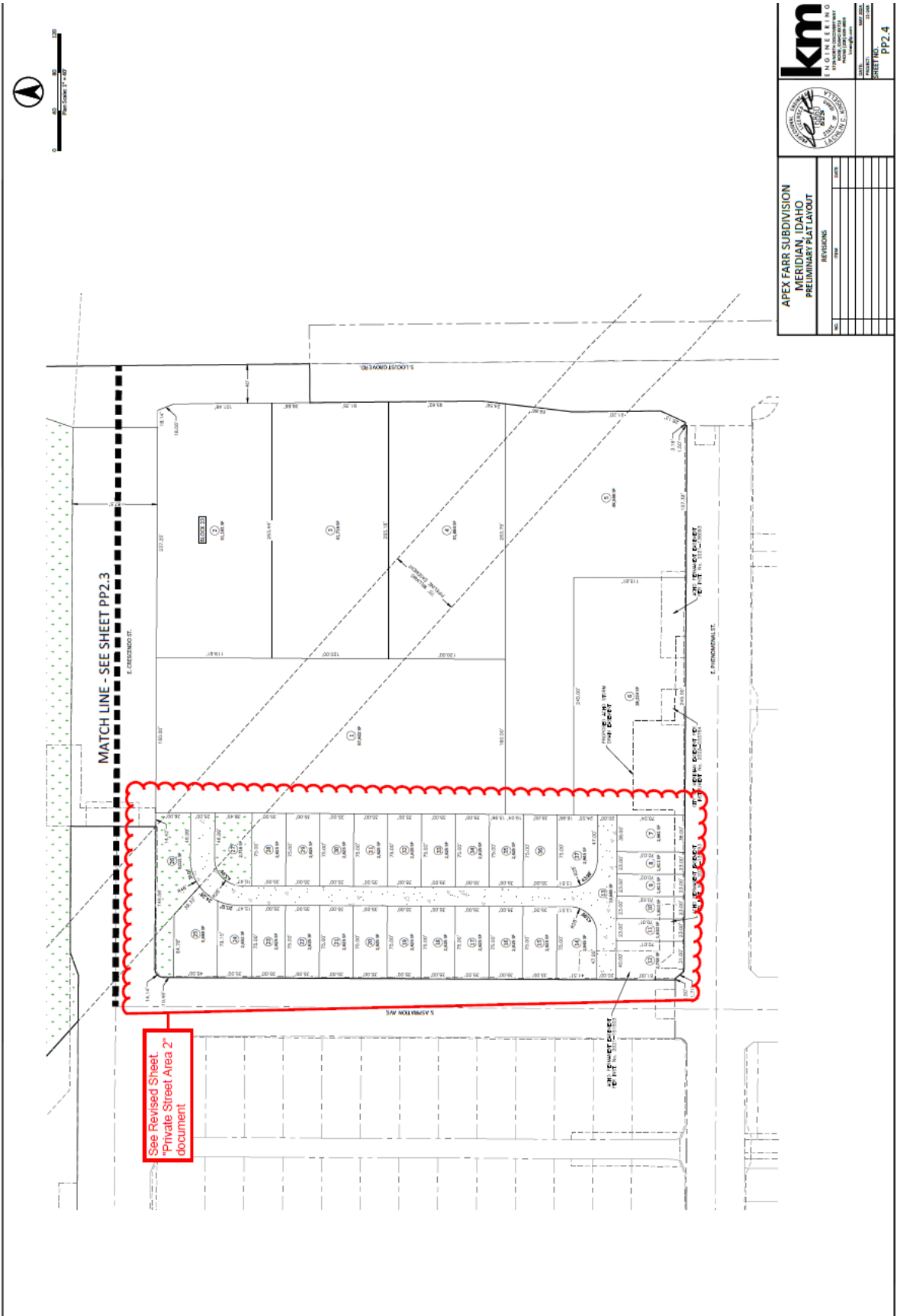
REVISIONS

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

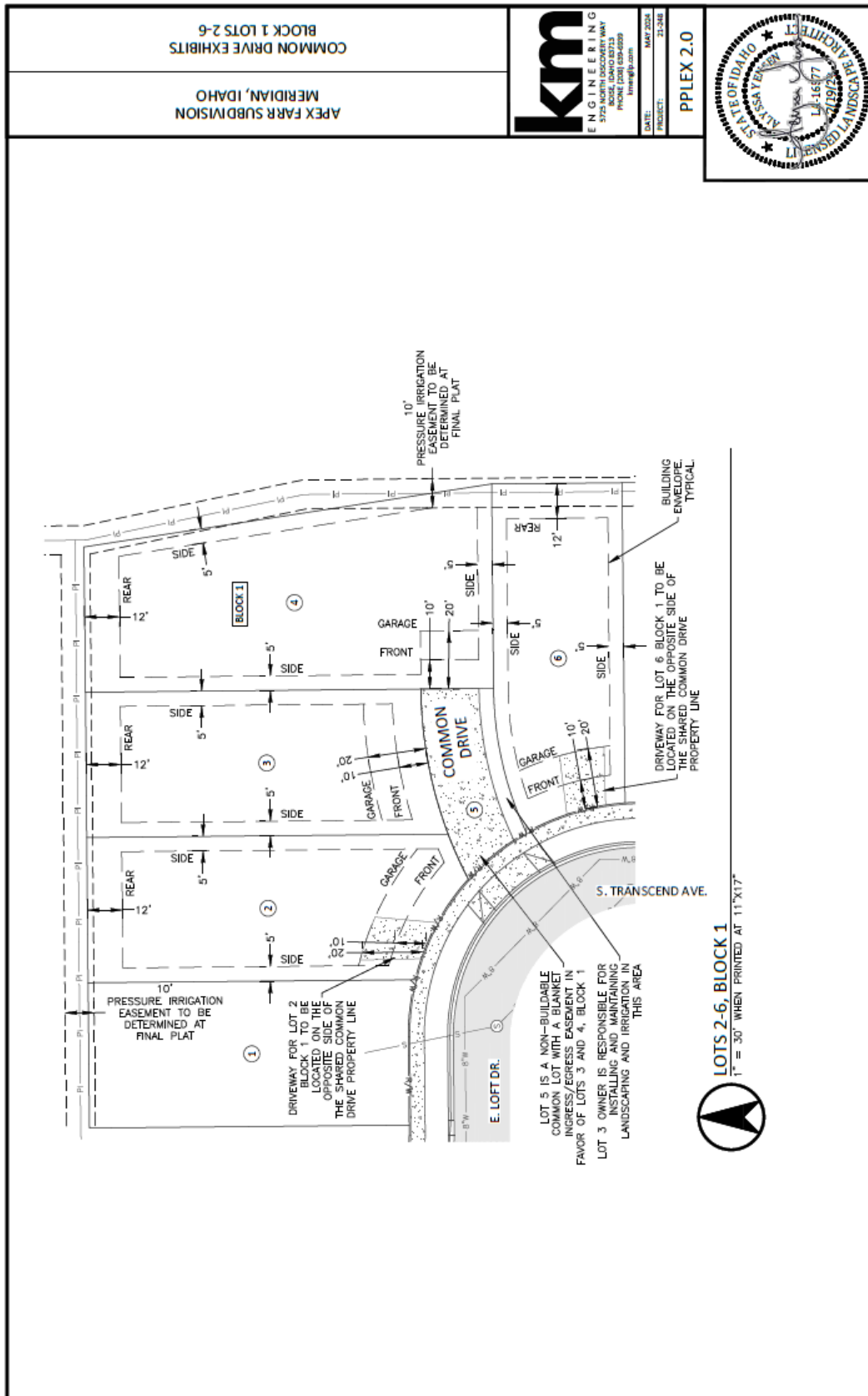
km
ENGINEERING
KIMBERLY M. MCKAY, P.E.
KIMBERLY MCKAY ENGINEERING, LLC
1000 S. 10TH AVE., SUITE 100
MERIDIAN, IDAHO 83450
208.333.1000
www.kmengineering.com

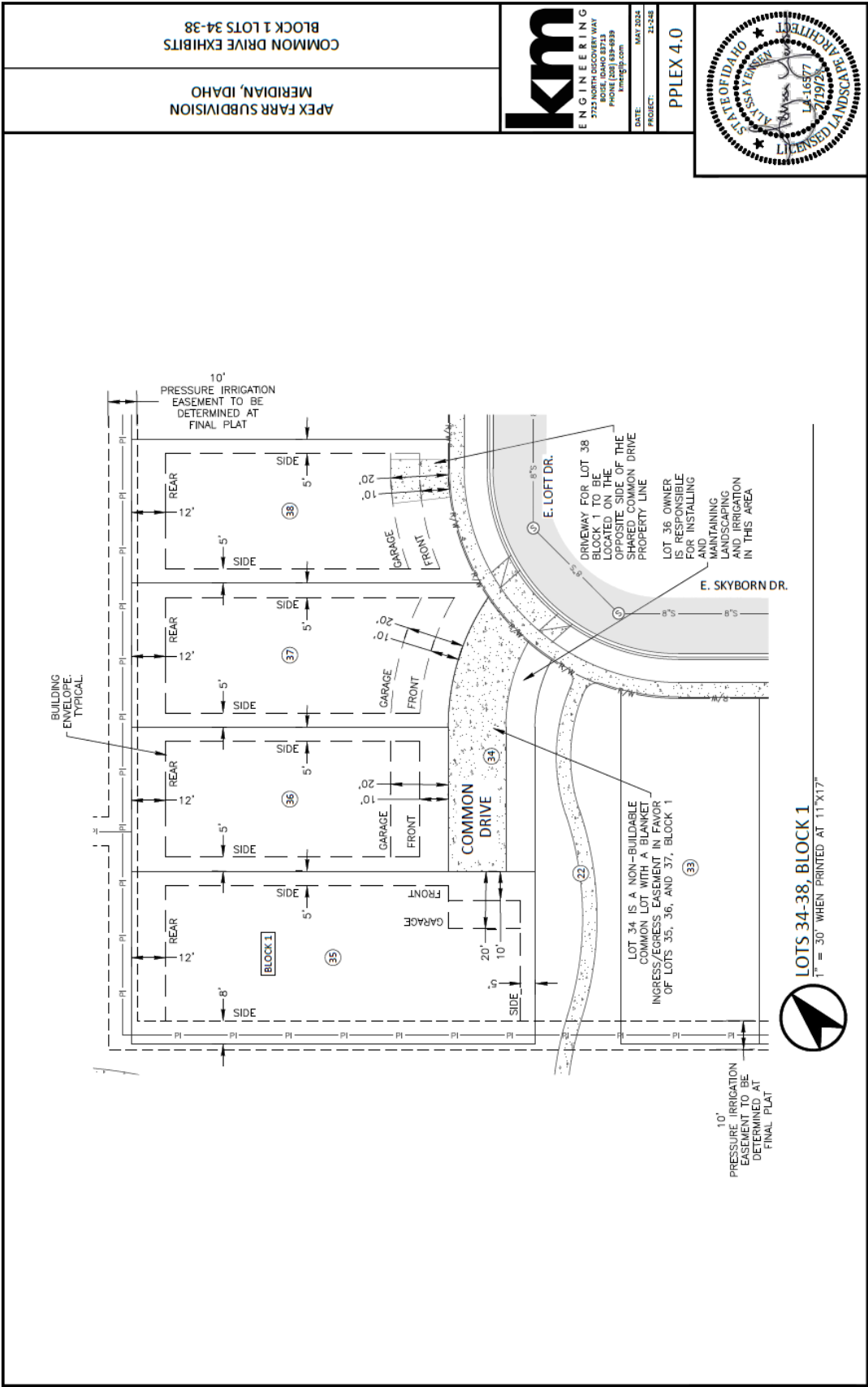
PP2.0

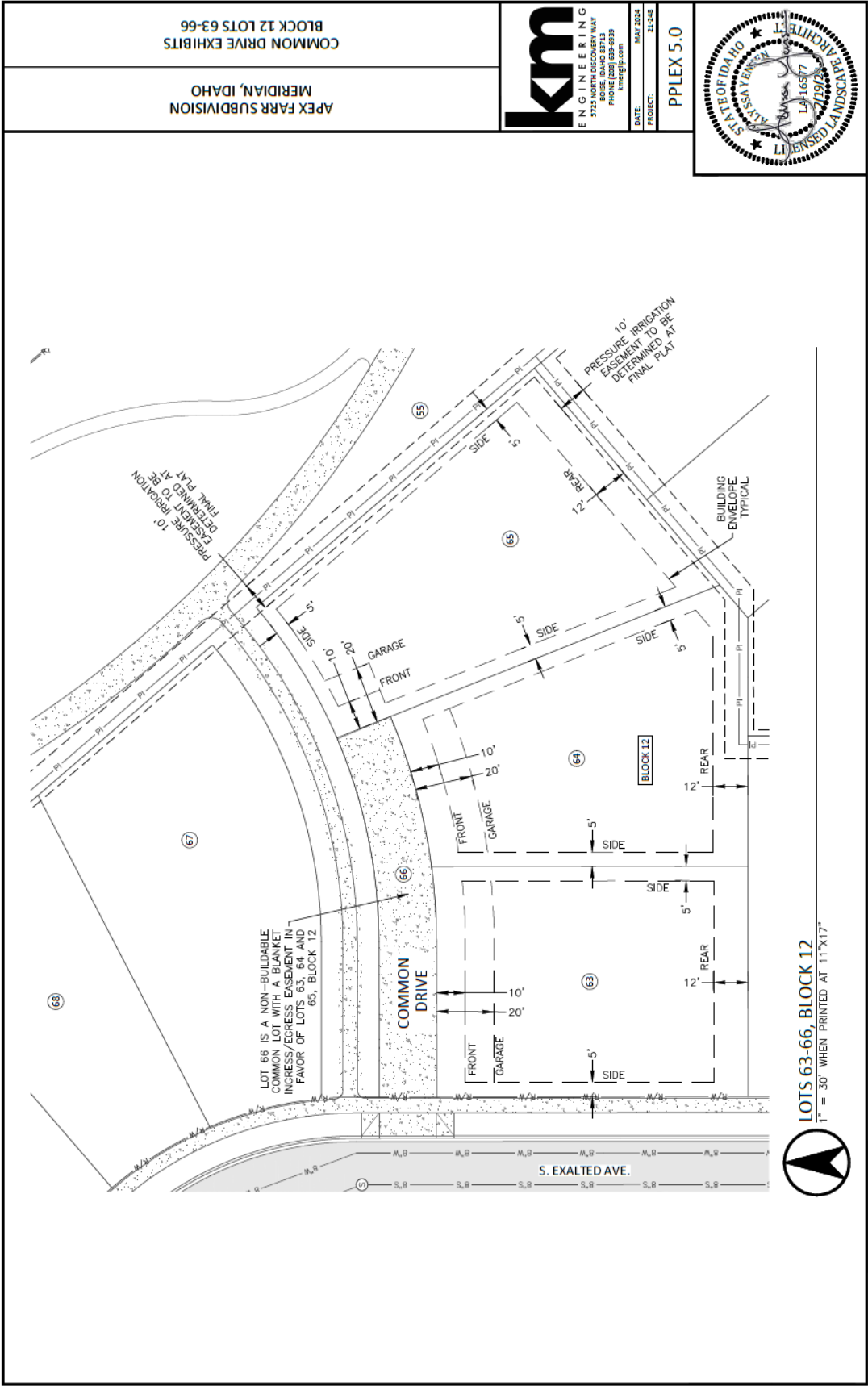


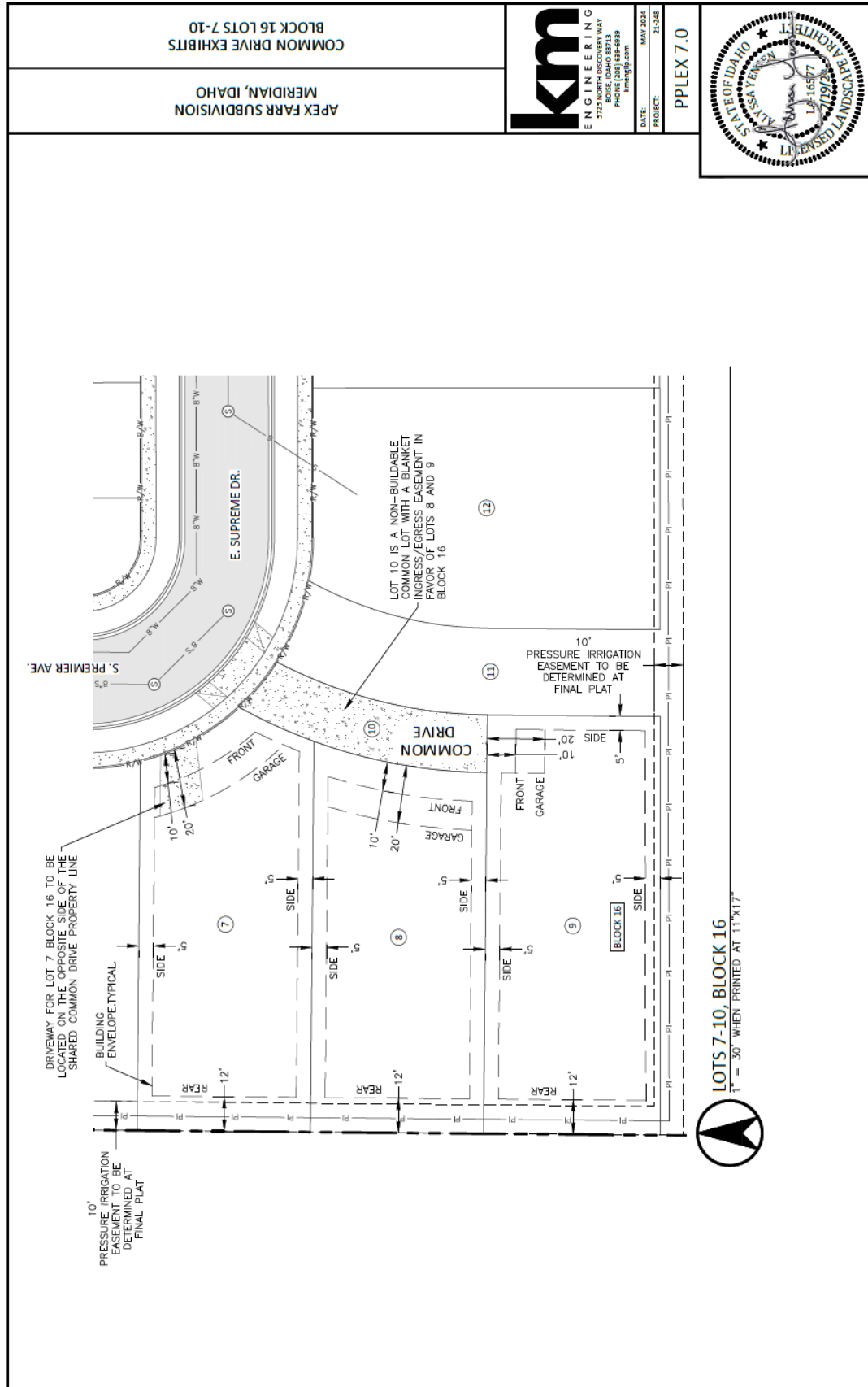


F. Common Driveway Exhibits

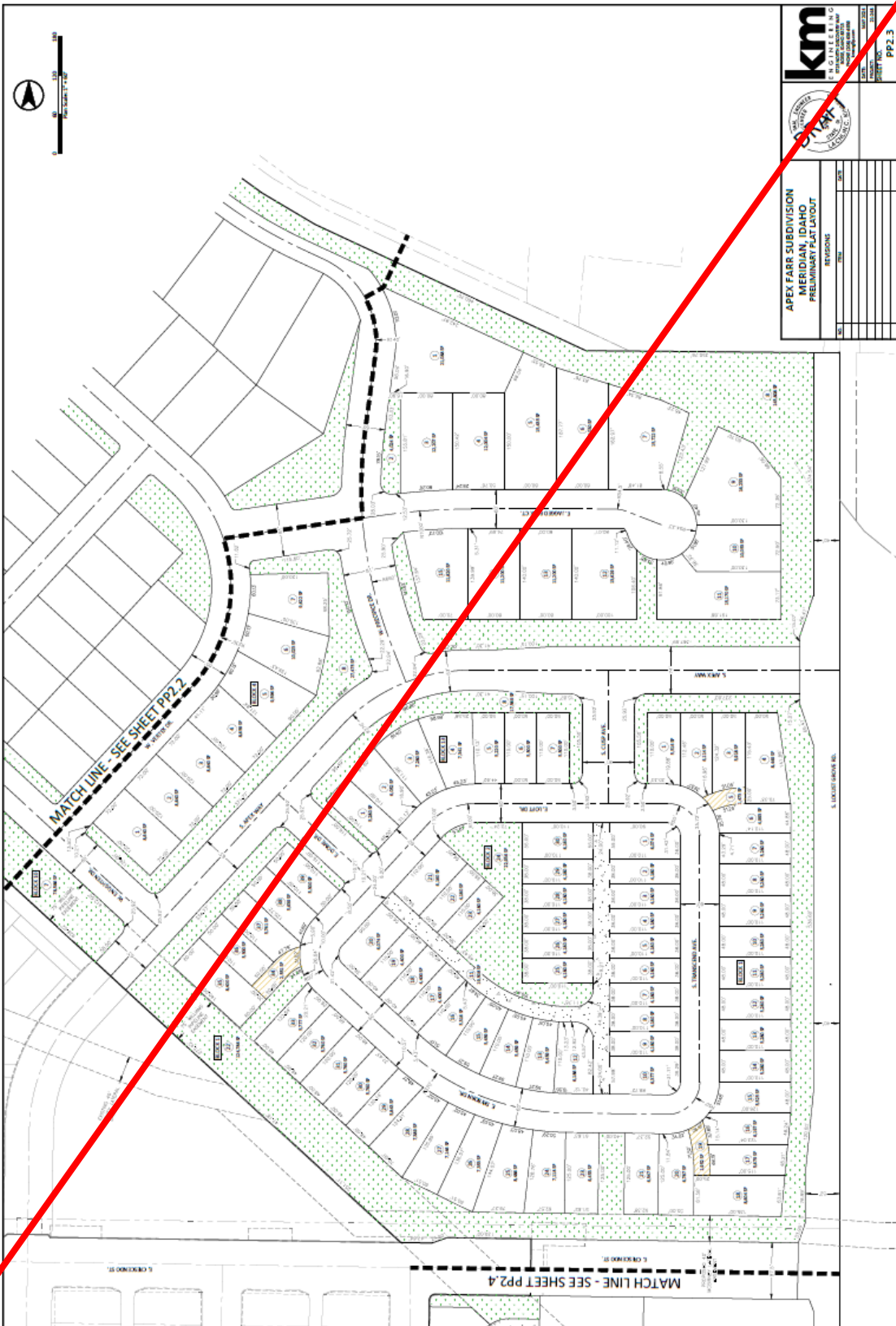






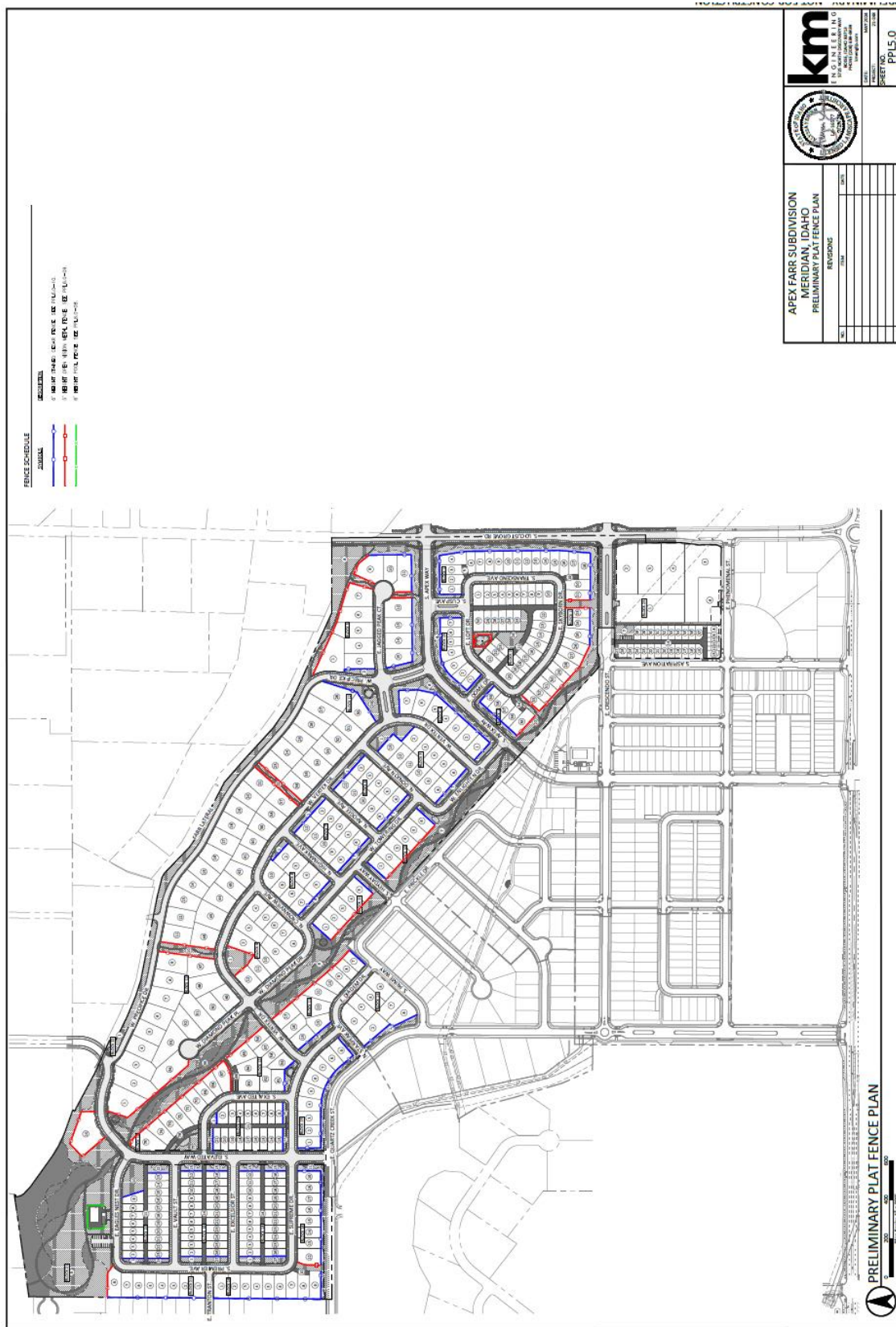


~~G. Private Street Areas 1 and 2~~

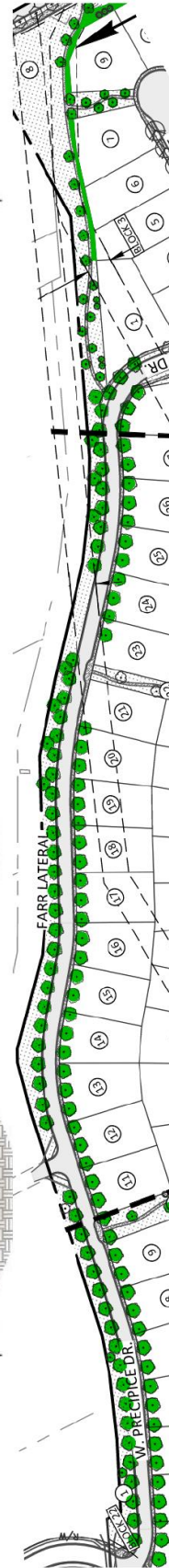
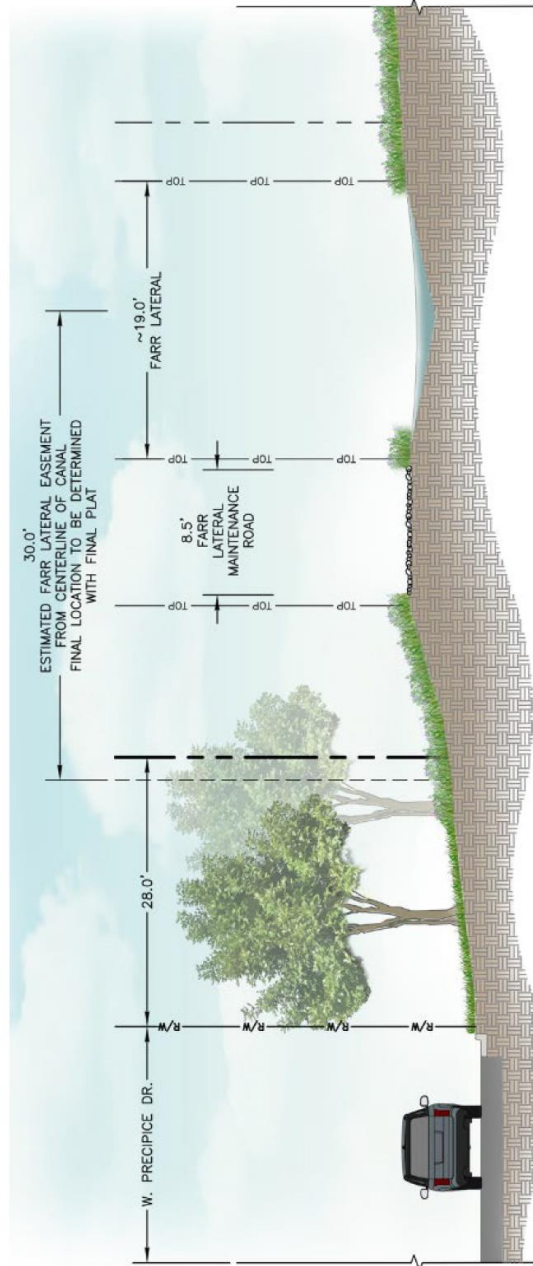




Fencing Plan:



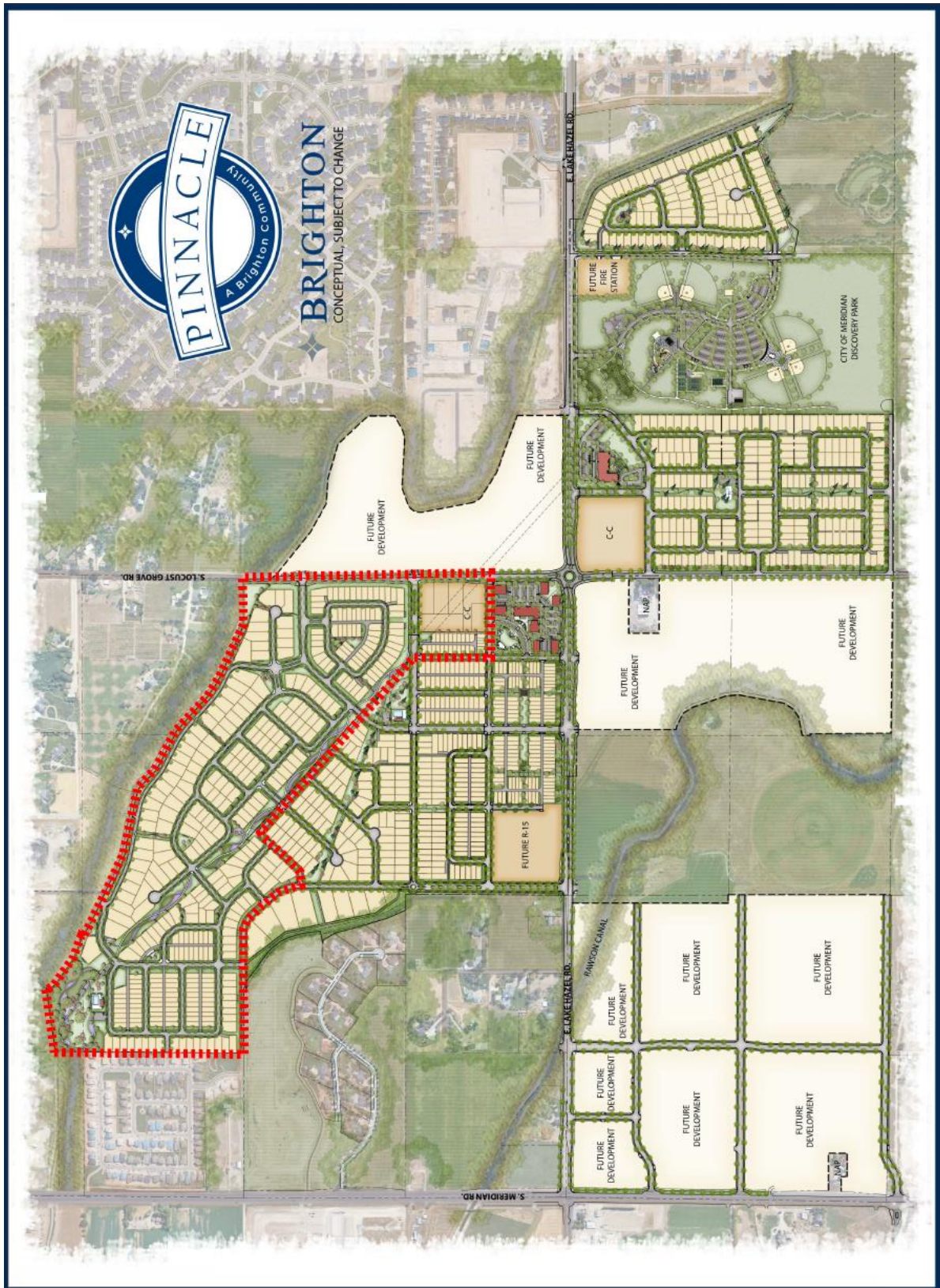
Landscaping and trees will be placed on the slope against the Farr Lateral for a pleasing aesthetic and buffer for the neighbors north of the Farr.



J. Pathway Exhibit



K. Overall Conceptual Development Plan



L. Conceptual Building Elevations for Residential Units



J. Buffer Proposed on R-15 Zoned Property in Block 23 as Presented by the Applicant at the Council Hearing

